

# **ATTACHMENT 2**

IN THE CITY OF CHICAGO

DEPARTMENT OF ADMINISTRATIVE HEARINGS

MUNICIPAL HEARINGS DIVISION

APPEALS - DENIALS OF PARADE PERMITS

Chicago Alliance Against  
Racist & Political Repression  
  
Petitioner,  
  
V.  
  
CITY OF CHICAGO,  
(Dept. of Streets & Sanitation)  
  
Respondent.

Hearing date: February 14, 2024

Location: Central Hearing Facility,  
400 West Superior,  
Chicago, IL

Administrative Law Judge: Frank Lombardo

For the City of Chicago:

Attorney: Matthew Spahr  
Attorney: Christopher Dionne  
Witness: Bryan Gallardo  
Witness: None

For the Plaintiff:

Attorney: Daniel Massoglia  
Attorney: Madeline Townsend  
Attorney: Jacqueline Spreadbury  
Witness: Kobi Guillory:  
Witness: Joe Iosbaker

1 ADMINISTRATIVE LAW JUDGE LOMBARDO:

2 This is Administrative Law Judge Frank Lombardo.

3 Today is February 14, 2024, in Room 105, Central  
4 Hearing Facility.

5 Okay. I am Administrative Law Judge  
6 Frank Lombardo. I've been appointed to hear this  
7 matter today. I am an attorney, I'm not an  
8 employee for the City of Chicago, so I don't  
9 represent either party to this matter. I'm here to  
10 listen to the evidence and then make a  
11 determination whether, in this case, the  
12 Commissioner of the Department of Transportation  
13 made a proper decision under the ordinance. And  
14 either affirm or reverse his decision.

15 This is a -- essentially a new  
16 hearing. So the City will have the burden. The  
17 burden is preponderance of the evidence, all right?  
18 As I said, everything is being recorded. I need  
19 anybody that will represent the parties state their  
20 names and spell their last names, please.

21 MR. SPAHR: ACC Matthew Spahr, S, P as  
22 in Pepper, A-H-R.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO:

24 And you?

1 MR. DIONNE: ACC Chris Dionne,  
2 D-I-O-N-N-E.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
4 And for the applicant?

5 MR. MASSOGLIA: Daniel Massoglia,  
6 M-A-S-S-O-G-L-I-A, for the Coalition.

7 MS. TOWNSEND: Madeline Townsend,  
8 T-O-W-N-S-E-N-D, also for the Coalition.

9 MS. SPREADBURY: Jacqueline  
10 Spreadbury, S-P-R-E-A-D-B-U-R-Y, also for the  
11 Coalition.

12 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
13 Okay. Thank you. All right. This is concerning  
14 the parade permit application of March on the DNC  
15 and March on the DNC 08-22-24. Sponsoring  
16 organization Chicago Alliance Against Racist and  
17 Political Repression. And it's been given the  
18 Docket Number 24PA000003. Any preliminary matters?

19 MR. MASSOGLIA: Yes, Your Honor.  
20 There were two motions filed [inaudible] in the  
21 past day. Yesterday, the City presented a motion  
22 styled as a motion to limit the scope. Seeking to  
23 limit the argument evidence, appeal, and testimony  
24 that would be elicited today.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO:

2 Uh-huh.

3 MR. MASSOGLIA: We received service of  
4 that at 4:27 p.m. yesterday. As a result of that  
5 motion we have moved separately for a continuance.  
6 It's not yet file stamped, but it was served upon  
7 Counsel --

8 ADMINISTRATIVE LAW JUDGE LOMBARDO:

9 Uh-huh.

10 MR. MASSOGLIA: -- yesterday evening  
11 or early this morning. I have a copy for the  
12 Court. But I --

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: So  
14 City filed a motion you're saying?

15 MR. MASSOGLIA: Yes.

16 MR. DIONNE: Yes, Judge.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO:

18 All right. Mr. Dionne, what's that about?

19 MR. DIONNE: Yes, Judge. The City  
20 filed a motion and the file was stamped yesterday  
21 with Department of Administrative Hearings,  
22 specifically asking that this Court in this hearing  
23 limit the scope. Does Your Honor have a copy of  
24 the motion that was filed by the City?

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: I  
2 do not.

3 MR. DIONNE: Okay. One moment.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
5 You know what? Just -- let's do this. You know,  
6 we don't really do motion practice here. So what's  
7 the -- just give me a quick -- what's the nature of  
8 your motion.

9 MR. DIONNE: Well, Judge, at issue is  
10 what's going to be litigated at today's hearing.  
11 Specifically, that -- the factual analysis, on  
12 January 10, 2024, the Petitioner filed an  
13 application for the parade using the public way  
14 with the Chicago Department of Transportation,  
15 which is attached at City's Exhibit 1 in our  
16 motion.

17 On January 22, 2024, the Chicago  
18 Department of Transportation or CDOT denied the  
19 Petitioner's parade application and provided an  
20 alternate route as required under the code. The  
21 Petitioner did not file an appeal of that decision.

22 On January 30, 2024, the Petitioner  
23 filed a second parade permit application. Now,  
24 other than the date of the second parade and the

1 name of the second parade, Petitioner's second  
2 parade application was identical to the first  
3 application, which is attached as Exhibit 3 from  
4 the City.

5 CDOT then denied the Petitioner's  
6 January 30, 2024 parade application under Sections  
7 10-8-330(d)(1) and 10-8-330(d)(3) of the code on  
8 February 1, 2024, attached as City's Exhibit 4.

9 Then on February 7, 2024, Petitioner  
10 filed an appeal of CDOT's "rejection of our parade  
11 permit application." And attached two exhibits  
12 purportedly of both of its applications and the two  
13 exhibits of CDOT's denial.

14 The City is specifically requesting  
15 and noting that Petitioner failed to file a timely  
16 appeal of the prior January 22, 2024 application  
17 and, consequently, that denial should not be  
18 included or made part of the pending parade permit  
19 denial, which is at issue today.

20 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
21 Okay. So basically, you're saying there was two  
22 applications and two denials?

23 MR. DIONNE: There were two  
24 applications and two separate denials and only one

1 appeal filed.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 All right. And you're saying only one appeal, so  
4 we should only consider one application and one  
5 denial?

6 MR. DIONNE: We should only be  
7 hearing today the February 1, 2024 denial as that  
8 was the only appeal that was filed --

9 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
10 All right --

11 MR. DIONNE: -- within the five  
12 business days.

13 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
14 And for the Applicant -- are you the lead attorney,  
15 Mr. Massoglia?

16 MR. MASSOGLIA: Yes, sir.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
18 Okay. Counsel's telling me that you filed your  
19 request for a review of your permit application,  
20 but you attached two applications and two denials.  
21 So what is your intent; which one are you looking  
22 for a review on?

23 MR. MASSOGLIA: Yeah, and I apologize  
24 for the confusion. I was not retained by



1 Respondent in this matter until Friday.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 Uh-huh.

4 MR. MASSOGLIA: And so I believe there  
5 was some confusion about how the ordinance worked.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO:

7 Okay.

8 MR. MASSOGLIA: We understand that the  
9 first appeal was untimely. We're not contesting  
10 that.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO:

12 Okay.

13 MR. MASSOGLIA: But our position as  
14 outlined in our Motion for a Continuance based on  
15 this --

16 ADMINISTRATIVE LAW JUDGE LOMBARDO:

17 Okay. Well, like I said, we're not doing  
18 motions --

19 MR. MASSOGLIA: Okay --

20 ADMINISTRATIVE LAW JUDGE LOMBARDO: So  
21 with that clarification, Counsel for the City, is  
22 your subject of your motion resolved?

23 MR. DIONNE: Well, that would be up  
24 to the Court to determine what the scope of the

1 case --

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 Well, he's saying he only wants a hearing on the  
4 second application, right?

5 MR. MASSOGLIA: Well --

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: Or  
7 second denial?

8 MR. MASSOGLIA: The basis for the  
9 second denial was set [inaudible] in the first  
10 application.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
12 Okay. So --

13 MR. MASSOGLIA: So it's hard --

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: --  
15 we'll get into the merits of it. But that's the  
16 one you want the review on, right?

17 MR. MASSOGLIA: Well, we want a  
18 continuance because we have to [inaudible] for our  
19 strategy [inaudible]. If the Court -- if the  
20 City's motion is not enumerated in the rules is  
21 granted.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
23 Well, the motion is not going to be considered.

24 MR. MASSOGLIA: Okay.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: We  
2 don't have motion practice and I think your  
3 clarification resolves whatever the subject was  
4 anyway.

5 MR. DIONNE: Right. And Judge, so I  
6 guess the issue, then, here is that per the  
7 ordinance, 10-8-330, upon submission of a duplicate  
8 application, the City is permitted to deny it  
9 outright. So at issue would just be the  
10 duplicative nature at today's hearing of both  
11 applications --

12 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
13 And that would be the subject of the hearing?

14 MR. DIONNE: That would be the only  
15 subject of the hearing and not the basises [sic]  
16 that were contained within the initial application.  
17 So the City --

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: I  
19 understand.

20 MR. DIONNE: -- only wishes to --

21 ADMINISTRATIVE LAW JUDGE LOMBARDO: I  
22 mean, the scope of the hearing is defined by the  
23 ordinance. So I'm certainly aware of that. So I  
24 think having done the clarification that they're

1 going on the second application and the second  
2 denial, we can proceed. Now, do you still want a  
3 continuance knowing that we're only going to  
4 proceed on the second application and the second  
5 denial?

6 MR. MASSOGLIA: We would. We spent  
7 about four hours last night responding with this  
8 Motion for a Continuance. We interrupted our  
9 hearing prep. If -- depending on how the -- how  
10 Your Honor rules on objections over the course of  
11 the day, just to provide just a little bit of  
12 context, it would really sort of impact our ability  
13 to fairly present the case.

14 I want to highlight a couple of things  
15 first. That the manner of proof that we intend to  
16 illicit relies upon both applications. Because if  
17 something is duplicative, we have to consider what  
18 is a duplicative. A duplicative can't exist --

19 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
20 No. I mean, and that's -- if that was submitted as  
21 part of the evidence in the second denial,  
22 certainly I'll consider it.

23 MR. MASSOGLIA: And then -- well, I  
24 don't believe it was. They didn't --

1 ADMINISTRATIVE LAW JUDGE LOMBARDO:

2 Well, it hasn't been done yet.

3 MR. MASSOGLIA: Okay.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO:

5 That's why we're here.

6 MR. MASSOGLIA: And then the second  
7 issue sort of is that the Notice of Hearing  
8 provided by the City explicitly references that  
9 this will be a hearing to contest the  
10 "applications." The denial of the applications.

11 So the City provided notice indicating that this  
12 hearing would at least encompass testimony and  
13 argument and proof on both of those applications.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO:

15 Uh-huh.

16 MR. MASSOGLIA: So from a due process  
17 standpoint, there wasn't adequate notice and, you  
18 know, due process was [inaudible] but I believe  
19 that, you know, there -- the equity of good counsel  
20 and the law of good counsel is allowing Petitioner  
21 time to address whatever Your Honor's eventual  
22 approach to this --

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: So  
24 are you prepared to proceed on the hearing for the

1 denial of the second application?

2 MR. MASSOGLIA: If our motion is -- if  
3 our Motion for a Continuance is denied, we are  
4 prepared to proceed. We would prefer not to  
5 proceed. But we are prepared to proceed. And if  
6 the -- we may renew the motion depending on --

7 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
8 Well, I mean, I can consider a Motion for a  
9 Continuance based on good cause. So your good  
10 cause is what?

11 MR. MASSOGLIA: Our good cause is  
12 threefold. Petitioner has been -- sorry. The  
13 client has been diligent whereas there was an  
14 unfair surprise with this motion filed yesterday at  
15 4:27 p.m., service was made at 4:27 p.m., forcing  
16 us to interrupt our hearing prep.

17 This is the sort of thing that a  
18 continuance is -- carries good cause for Your Honor  
19 this tribunal has the authority within the  
20 municipal code and Illinois appellate law to grant  
21 the continuance when good cause is shown.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
23 Uh-huh.

24 MR. MASSOGLIA: And there is good case

1 law that good cause -- continuances should be  
2 granted when the interest of justice demands it,  
3 essentially.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
5 Uh-huh.

6 MR. MASSOGLIA: And so that would be  
7 our first argument. The second is the due process  
8 points that I made, which is that we prepared for  
9 this hearing in the five days since we've been  
10 retained with the understanding that "applications"  
11 from the City's notice were at issue.

12 If that is not going to be the case or  
13 if that is going to be in question in any way, we  
14 need time to prepare our clients to reorganize  
15 [inaudible] our examination.

16 And then, finally, there's no  
17 prejudice [inaudible]. The Democratic National  
18 Convention is eight months away. Asking for a  
19 short continuance at this point would not prejudice  
20 the City, but failure to grant it would  
21 prejudice -- based on what I've explained right  
22 now, would prejudice my clients.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
24 What kind of continuance are you looking for?

1 MR. MASSOGLIA: 14 to 21 days.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 City, any response?

4 MR. DIONNE: Judge, the City would  
5 answer ready today and ask that the Court deny the  
6 continuance. Looking at fundamental fairness,  
7 there is nothing in the Motion to Continue that  
8 addresses the lack of filing an appeal process  
9 within the five business days as recorded by the  
10 stat -- excuse me, required by the statute. And  
11 therefore, any continuance to address that is not  
12 addressed in the Motion to Continue in the first  
13 place.

14 We're looking at strictly the second  
15 parade permit application and denial, which the  
16 Petitioner has had in their possession during the  
17 entirety of the preparation for this process. And  
18 if they're answering ready to address that today,  
19 then there's no prejudice as to them putting  
20 together their case.

21 As such, Judge, the City answers ready  
22 today and asks that you deny the continuance and  
23 proceed to hearing.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO:



1     Okay. Thank you. All right. I don't believe  
2     there's good cause for a continuance. I believe  
3     you were -- or should be prepared to proceed on  
4     both application and both denials, since that's  
5     what you assumed. So with that being the case,  
6     then we should go forward with it today.

7                     MR. MASSOGLIA: Thank you.

8                     ADMINISTRATIVE LAW JUDGE LOMBARDO: So  
9     Motion to Continue is denied. Seeing how this is  
10    request for hearing based on a denial and there are  
11    time constraints and so forth with the filings, I'm  
12    going to go back to the Applicant.

13                    Would you please establish the basis  
14    for your appeal and my authority to make a ruling  
15    today?

16                    MR. MASSOGLIA: Certainly. Our basis  
17    for our appeal is outlined in the parade ordinance,  
18    which does [inaudible] within five business days,  
19    the rejected permit applicant has the right to seek  
20    administrative review, which my clients [inaudible]  
21    with regard to the second application, which was  
22    denied on February 1st.

23                    We are intending -- I'm not sure what  
24    exactly [inaudible] but the point of our argument

1 and the rationale behind the appeal is that these  
2 permits were not duplicative and we don't know what  
3 steps --

4 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
5 Well, let's -- we'll get into that. I'm just  
6 looking for -- and you cited the ordinance and the  
7 fact that you filed within five days. I believe  
8 that's sufficient to give me authority. City,  
9 anything?

10 MR. DIONNE: Judge, we're just  
11 answering ready for today's hearing on the second  
12 denial letter that was sent out from Department of  
13 Transportation to the Petitioner on February 1, and  
14 intends to be able to move forward to establishing  
15 our prima facie case by a preponderance of the  
16 evidence with the witness that the City has ready  
17 to testify today.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: If  
19 you're ready to proceed, then proceed.

20 MR. MASSOGLIA: Additionally, Your  
21 Honor, we'd like to make a [inaudible] admission  
22 for subpoenas given your statements on -- that  
23 you're considering both applications and both  
24 denials today. For subpoenas for representatives

1 of the United States Secret Service and the Chicago  
2 Police Department.

3 If we are to, in fact, satisfy that  
4 this is duplicative by comparing the process and  
5 the examination impact each of the two  
6 applications --

7 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
8 Uh-huh.

9 MR. MASSOGLIA: -- a subpoena is  
10 necessary. We will be unable to defend our case  
11 without a representative of the CPD to discuss  
12 their consultation with CDOT and things along those  
13 lines.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
15 Uh-huh. I'm going to reserve ruling on that for  
16 right now. Let's see what it is that the City is  
17 going to present. And if there's something that  
18 requires that testimony, I'll certainly consider it  
19 at that time.

20 MR. MASSOGLIA: Thank you.

21 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
22 All right?

23 MR. DIONNE: Judge, the City is  
24 objecting to that subpoena at this point and is

1 asking that the Court is only going to be ruling on  
2 the one application that was denied February 1,  
3 2024, today. And that's the sole basis for today's  
4 hearing.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
6 Yeah. Did I not make that clear earlier?

7 MR. MASSOGLIA: Yeah, it's clear  
8 [inaudible].

9 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
10 Right? So we're not considering the first  
11 application or the first denial.

12 MR. MASSOGLIA: Oh, we're talking  
13 about them, we're not --

14 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
15 Well, if they present it as part of their evidence  
16 in the second denial, then certainly we'll consider  
17 it.

18 MR. MASSOGLIA: Okay.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
20 All right?

21 MR. MASSOGLIA: Thank you, Your Honor.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: So  
23 we're clear on that? Okay.

24 MR. DIONNE: Yes, Judge.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO:

2 All right, Mr. Dionne.

3 MR. DIONNE: Mr. Spahr is going to  
4 start with opening statement, Judge.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
6 Yeah.

7 MR. SPAHR: Yes, Judge. Good morning.  
8 We're here today regarding the Petitioner's parade  
9 application permit that was submitted to the  
10 Chicago Department of Transportation on January 30,  
11 2024. This application submitted by Petitioner  
12 Chicago Alliance Against Racist and Political  
13 Repression.

14 Through and evidence presented today,  
15 you will hear that this January 30th application is  
16 not the first application submitted by the  
17 Petitioner. In fact, the City will prove by a  
18 preponderance of the evidence that this January  
19 30th application is substantially similar in theme  
20 and units as described by an application submitted  
21 by the Petitioner on January 10, 2024, which the  
22 Department of Transportation timely responded to  
23 pursuant to the Chicago Municipal Code.

24 You'll hear through evidence and

1 testimony today that the only differences between  
2 this January 10th and January 30th application is  
3 that the date of the requested parade was moved  
4 from August 19th, the first day of the Democratic  
5 National Convention to August 22nd, which is the  
6 last day of the Democratic National Convention.

7           Additionally, the other only  
8 difference between the applications is the name  
9 whereby they just added the date of the new parade.  
10 They -- labeling it March on the DNC 2024.

11           The Chicago Department of  
12 Transportation denied the subsequent application  
13 pursuant to Chicago Municipal Code 10-8-330(d)(1),  
14 (d)(3), and (d)(4) in a letter sent to Petitioner  
15 on February 1, 2024.

16           Subsection (d)(1) of the ordinance is  
17 clear that no person or organization may submit  
18 more than one application for a parade  
19 substantially similar in theme or units described  
20 or requesting an alternative or a route whether  
21 using the same or different names.

22           Subsection (d)(3) goes on to provide  
23 that where a person or organization submits  
24 multiple applications for a parade substantially

1 similar in theme or units described but requesting  
2 an alternate date, whether using one name or  
3 multiple names, that person or organization shall  
4 not be eligible for such a permit and shall be in  
5 violation of this Subsection (d).

6 Lastly, Subsection (d)(4) authorizes  
7 the commissioner to disregard any such multiple  
8 applications and to deny any permit on the basis of  
9 a violation of Subsection (d).

10 As to the denial of the subsequent  
11 application received on January 30, 2024, and the  
12 denial sent by Chicago Department of Transportation  
13 on February 1, 2024, the City will illicit  
14 testimony as to the duplicity of the applications,  
15 which were requested by the same organization,  
16 submitted by the same applicant, seeking the parade  
17 the same exact route with the same amount of 1,000  
18 plus participants while only changing the name of  
19 the parade and the date. Facts of all which are  
20 clearly enumerated and prohibited within the  
21 Chicago Municipal Code.

22 Accordingly, at the end of today's  
23 hearing, the City would request this Court to  
24 affirm the denial sent to the petitioners on

1 February 1, 2024, by the Department of  
2 Transportation.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
4 All right. Thank you, Mr. Spahr. Applicant, any  
5 opening?

6 MR. MASSOGLIA: Good morning, Your  
7 Honor. The Chicago Alliance against Racist and  
8 Political Repression has organized marches of  
9 protest in the City of Chicago for more than five  
10 decades. In that time, they have advocated for the  
11 rights of Black people and all oppressed people to  
12 unite, organize, and fight for their freedom,  
13 justice, and equality.

14 It's purported to spread a hopeful  
15 message by organized protest that will uplift and  
16 empower their community.

17 When the Chicago Alliance learned that  
18 the 2024 Democratic National Convention would be  
19 hosted in Chicago in April of last year, they  
20 immediately began planning demonstrations to  
21 protest the convention.

22 They formed a coalition with a number  
23 of other organizations, including community groups,  
24 workers organizations, Palestinian Liberation



1 Organizations, and more. This coalition planned a  
2 march on the DNC in order to convey a set of seven  
3 demands on the Democratic Party and the presumptive  
4 Democratic nominee, current President Joe Biden.

5 Chicago Alliance has organized dozens,  
6 if not hundreds of marches and protests, usually  
7 unpermitted. However, they decided that it would  
8 be in the best interests of the safety of their  
9 members and their marchers, if the march on the DNC  
10 was permitted. To do so they prepared an  
11 application to march on the DNC on its opening day.

12 They initially submitted this  
13 application in August of last year. Were told that  
14 it was untimely by CDOT. And so resubmitted it in  
15 early January of this year. That application was  
16 to march on the first day of the Democratic  
17 National Convention, August 19, 2024. That  
18 application was submitted in January 10th this year  
19 and denied.

20 However, in November of last year,  
21 having witnessed a month of horrific bombing and  
22 genocide by the Israeli military in Gaza that was  
23 uncritically supported by the President and the  
24 massive demonstrations that were erupting across

1 Chicago and the world, the Alliance decided that  
2 one march wasn't enough.

3           You will hear testimony that they then  
4 decided to plan a second march on the DNC on its  
5 final day when President Joe Biden is expected to  
6 accept the Democratic nomination. The application  
7 for this march was submitted on or about January  
8 30th and denied February 1st.

9           As you will hear from members of the  
10 Coalition, these were consistently planned as  
11 distinct marches with distinct messages. The City  
12 has not treated them as such. After denying the  
13 August 19th march permit on unrelated grounds, the  
14 City summarily denied the August 22nd permit on the  
15 ground that it was duplicative of the August 19th  
16 march.

17           This was in error. The Alliance did  
18 not submit the application for the 22nd permit in  
19 order to duplicate it. It intended to march both  
20 days in order to effectively convey its message of  
21 utmost disagreement with President Biden's actions.

22           The evidence will show that these were  
23 not substantially similar marches, thus the denial  
24 of the August 22nd permit on that ground was

1     erroneous.

2                     Furthermore, the limitations, we will  
3     argue, on the Alliance's First Amendment rights to  
4     use the traditional public ways to associate,  
5     march, and convey their political message only once  
6     a year or else face civil and criminal penalties is  
7     an impermissible violation of their First Amendment  
8     rights.

9                     For the reasons we will provide in  
10    this case, we ask that Court reverse the  
11    determination from the Chicago Department of  
12    Transportation and approve the route as proposed by  
13    the applicants in their second permit application  
14    to march on August 22nd.

15                    ADMINISTRATIVE LAW JUDGE LOMBARDO:  
16    Thank you.   City, ready to proceed?

17                    MR. SPAHR:   Yes, Judge.   At this time,  
18    the City would call our first witness, Bryan  
19    Gallardo.

20                    ADMINISTRATIVE LAW JUDGE LOMBARDO:  
21    Are there other witnesses in this room that --

22                    MR. SPAHR:   Not for the City.   The  
23    City would have a motion to exclude any witnesses  
24    not currently testifying.

1                   MR. MASSOGLIA:   Petitioner would  
2   object.

3                   ADMINISTRATIVE LAW JUDGE LOMBARDO:  
4   Objection overruled.   I think a motion to exclude  
5   is proper.   Any witnesses that will testify in this  
6   matter please step out of the room.   You will be  
7   called when your testimony is required.   After your  
8   testimony, you are, obviously, free to stay into  
9   the room if your further testimony is not needed.

10                  Any other occupants in the room will  
11   not be allowed to testify.   All right.   Sir, what  
12   is your name?

13                  MR. GALLARDO:   My name is Bryan  
14   Gallardo, G-A-L-L-A-R-D-O.

15                  ADMINISTRATIVE LAW JUDGE LOMBARDO:  
16   Thank you.   City, you can proceed.

17                  MR. SPAHR:   If we can swear in the  
18   witness.

19                  ADMINISTRATIVE LAW JUDGE LOMBARDO:  
20   Oh, I'm sorry.   Yes.   Mr. Gallardo, raise your hand  
21   for me, please.   Do you swear the testimony you're  
22   about to give will be the truth, the whole truth,  
23   and nothing but the truth?

24                  MR. GALLARDO:   Yes, I do.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO:

2 Okay. I'm sorry, go ahead.

3

4 DIRECT EXAMINATION

5 BY MR. SPAHR:

6 Q. All right, Mr. Gallardo. Who do you  
7 currently work for?

8 A. I work for the Chicago Department of  
9 Transportation.

10 Q. And is that with the City of Chicago?

11 A. Yes, it is.

12 Q. And how long have you worked at the  
13 City of Chicago Department of Transportation?

14 A. Since October of 2017.

15 Q. And what is your current position in  
16 that department?

17 A. Assistant commissioner in charge of the  
18 public way permitting office.

19 Q. And how long have you held that  
20 position?

21 A. Since October of 2017.

22 Q. Okay. And as the assistant  
23 commissioner, what are some of your  
24 responsibilities, generally?

1           A.       So I manage the public way permitting  
2       office for the Chicago Department of  
3       Transportation. And in that office we receive  
4       applications for use of the public right of way  
5       of varying types. It can be for construction, it  
6       can be for a moving van, for manhole access, or  
7       for festivals, athletic events, or protests, or  
8       assemblies.

9           Q.       Okay. And in regard to the parade  
10      applications, is part of your responsibility to  
11      respond to these applications?

12          A.       Yes. We review the applications that  
13      come in. If input from other departments is  
14      needed we'll distribute it to those departments  
15      for their input and then we will either approve  
16      or deny the permits.

17          Q.       And did the Chicago Department of  
18      Transportation receive a parade permit  
19      application from Chicago Alliance Against Racist  
20      & Political Repression?

21          A.       Yes, we did.

22          Q.       And when did Chicago Department of  
23      Transportation receive this application?

24          A.       We received two applications. The

1 first one on January 10th. The second on  
2 January 30th.

3 Q. Okay. I will show you now what's been  
4 marked as City's Exhibit 1. Do you recognize  
5 this?

6 A. This was an application submitted on  
7 January 10th by Chicago Alliance Against Racist &  
8 Political Repression.

9 Q. And is this a true and accurate copy of  
10 the parade permit application received on  
11 January 10, 2024?

12 A. Yes, I believe it is.

13 Q. And where on this document does it  
14 indicate the date that Chicago Department of  
15 Transportation received said application?

16 A. We date stamped it on the day it was  
17 received on the top right corner. You can see  
18 that it was received on January 10th.

19 Q. Okay.

20 MR. SPAHR: At this time, the City would  
21 seek to have Respondent's Exhibit 1 admitted into  
22 evidence.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: You  
24 have a copy of that?

1 MR. MASSOGLIA: No objection.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: No  
3 objection, it will be admitted and marked as City's  
4 Exhibit 1.

5  
6 (Whereby, City's Exhibit Number  
7 1 having been admitted into  
8 evidence.)

9  
10 BY MR. SPAHR:

11 Q. Now after receiving this application,  
12 did Chicago Department of Transportation respond  
13 to it?

14 A. Yes, we did. As with all parade  
15 applications that we receive, it was distributed  
16 to various city departments for any input. And  
17 once we received that input, we responded to the  
18 letter with an objection.

19 Q. And what date did the Chicago  
20 Department of Transportation respond with their  
21 letter?

22 A. The objection letter was formally sent  
23 on January 22nd.

24 Q. Okay. I will now show you what's been



1 marked as City's Exhibit 2. What is this?

2 A. This is a copy of the objection letter  
3 that was sent on January 22nd.

4 Q. And is this a true and accurate copy of  
5 the denial letter sent on January 22, 2024 by  
6 Chicago Department of Transportation?

7 A. Yes, I believe it is.

8 MR. SPAHR: At this time, the City will  
9 seek what's been marked as City's Exhibit 2 be  
10 admitted into evidence.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
12 Counsel?

13 MR. MASSOGLIA: No objection, Your Honor.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
15 right. City, for clarification. Was your first  
16 exhibit A or 1?

17 MR. SPAHR: City's Exhibit 1.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: 1,  
19 okay. City's Exhibit 1. And then this will be  
20 City's Exhibit 2. Okay.

21

22 (Whereby, City's Exhibit Number  
23 2 having been admitted into  
24 evidence.)

1

2 BY MR. SPAHR:

3 Q. Now, did the Chicago Department of  
4 Transportation receive any appeal to the  
5 application marked as City's Exhibit 1?

6 A. Not that I'm aware of, no.

7 Q. And did City of Chicago Department of  
8 Transportation receive any subsequent  
9 applications submitted by Chicago Alliance  
10 Against Racist & Political Repression?

11 A. Yes. We received a second application  
12 on January 30th.

13 Q. And I will now show you what has been  
14 marked as City's Exhibit 3. What is this?

15 A. This appears to be a application from  
16 the Chicago Alliance Against Racist & Political  
17 Repression that was received by our office on  
18 January 30th.

19 Q. And where on that document does it  
20 indicate the date that CDOT received this  
21 application?

22 A. So on the top right hand corner, you'll  
23 see that it was date stamped on January 30th.

24 Q. And is this a true and accurate copy of

1 the application received by Chicago Department of  
2 Transportation on January 30, 2024?

3 A. Yes, I believe it is.

4 MR. SPAHR: Okay. At this time, the City  
5 would seek -- have City's Exhibit 3 be admitted into  
6 evidence.

7 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
8 Counsel?

9 MR. MASSOGLIA: No objection.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: No  
11 objection. City's Exhibit 3 will be admitted as  
12 evidence.

13

14 (Whereby, City's Exhibit Number  
15 3 having been admitted into  
16 evidence.)

17

18 BY MR. SPAHR:

19 Q. Now, Assistant Commissioner, after  
20 receiving the January 30th application did you  
21 compare it to the application received by the  
22 same individual on January 10th?

23 A. Yes. I noted that is was from the same  
24 applicant and looked at the request and

1 everything except for the date and a slight  
2 change to the name appeared to be the same on  
3 both applications.

4 Q. And did the -- did you reply to this on  
5 behalf of the Chicago Department of  
6 Transportation?

7 A. Yes. An objection letter was sent on  
8 February 1st, noting that per the ordinance we  
9 cannot take in two applications for the same  
10 event.

11 Q. I will now show you what's been marked  
12 as City's Exhibit 4. What is this?

13 A. This is a copy of the denial letter  
14 that was sent on February 1st noting that two  
15 submittals for the same event cannot be received  
16 by CDOT.

17 Q. And is this a true and accurate copy of  
18 the letter sent out by Chicago Department of  
19 Transportation on February 1, 2024?

20 A. Yes, I believe it is.

21 MR. SPAHR: At this time, the City would  
22 seek to have Respondent's -- City's Exhibit 4  
23 admitted into evidence.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

1 MR. MASSOGLIA: No objection.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: No  
3 objection. City's Exhibit 4 will be admitted as  
4 evidence.

5

6 (Whereby, City's Exhibit Number  
7 4 having been admitted into  
8 evidence.)

9

10 MR. SPAHR: One moment, Judge. City has  
11 no further questions for the witness at this time.

12 ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
13 right. Counsel, cross?

14

15 CROSS EXAMINATION

16 BY MR. MASSOGLIA:

17 Q. Good morning, Mr. Gallardo. Is that  
18 the correct pronouncing?

19 A. Gallardo, whatever you prefer.

20 Q. Okay, Mr. Gallardo. So this permit,  
21 the January 30th permit, seeking a parade on  
22 August 22nd, which I believe was the City's  
23 Exhibit 3, you denied it as duplicative of the  
24 prior permit application; is that correct?

1           A.     Yes.

2           Q.     And that permit application, the first  
3     one, was for August 19th, a different day,  
4     correct?

5           A.     Correct.

6           Q.     So I'd like to talk a little bit about  
7     what you did to determine it was duplicative.  
8     Did you do any analysis of traffic data for those  
9     two days?

10          MR. SPAHR:  Objection.  Relevance.

11          ADMINISTRATIVE LAW JUDGE LOMBARDO:  Well,  
12     where are you going with that question?  The  
13     objection was -- or the decision was based on the  
14     application, right?

15          MR. MASSOGLIA:  Yes, seems so.

16          ADMINISTRATIVE LAW JUDGE LOMBARDO:  So  
17     where are you going with the question on that did  
18     they --

19          MR. MASSOGLIA:  The question is if these  
20     two parades are duplicative, we need to  
21     understand why parades on two different dates are  
22     duplicative.  And that would include --

23          ADMINISTRATIVE LAW JUDGE LOMBARDO:  Is it  
24     the parade that's duplicative or the application?

1 Is that the question?

2 MR. MASSOGLIA: The parade is not  
3 duplicative and our position is neither is the  
4 application.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well, I  
6 think the denial was based on the application  
7 so --

8 MR. MASSOGLIA: The denial was based on the  
9 application --

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: Go  
11 ahead and ask him questions relevant to the  
12 denial of the application. I don't know if the  
13 background data that he may or may not have  
14 viewed concerning the initial or the subsequent  
15 application is relevant. So objection sustained.  
16

17 BY MR. MASSOGLIA:

18 Q. So I would just like to note that --  
19 well, so these permits were -- these applications  
20 were denied on different grounds, correct?

21 A. I'm not sure what you mean by different  
22 grounds. The second application, if that's what  
23 you're asking about, was denied because it was  
24 duplicative of the first application, which isn't

1       allowed by the ordinance.

2           Q.       And the first application was denied,  
3       not because it was duplicative but for other  
4       reasons?

5           MR. SPAHR: I would object. The --

6           ADMINISTRATIVE LAW JUDGE LOMBARDO:

7       Overruled. Let him answer.

8           THE WITNESS: No, the first application was  
9       circulated as all applications of this type are.  
10      And we received objections based on the impact to  
11      traffic, the impact to city resources, and other  
12      events that were taking place in the area at the  
13      time.

14          MR. MASSOGLIA: At this point, Your Honor,  
15      I'd argue that the question of traffic is now  
16      relevant to this hearing.

17          ADMINISTRATIVE LAW JUDGE LOMBARDO:

18      Overruled.

19

20      BY MR. SPAHR:

21          Q.       And you said you consulted with other  
22      city -- with other agencies on that first  
23      application; is that right?

24          MR. SPAHR: Objection. Relevance.



1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Repeat  
2 the question, please.

3 MR. MASSOGLIA: You said that you consulted  
4 with other agencies as part of that first  
5 application -- considering the first application;  
6 is that correct?

7 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
8 Sustained.

9  
10 BY MR. MASSOGLIA:

11 Q. What do you -- what do you -- let me  
12 ask you -- let me take a copy of City's  
13 Exhibit 4, the denial from the second  
14 application. Do you have a copy of that  
15 [inaudible]?

16 ADMINISTRATIVE LAW JUDGE LOMBARDO: Say  
17 that again, sir.

18 MR. MASSOGLIA: This is [inaudible].

19 ADMINISTRATIVE LAW JUDGE LOMBARDO: He can  
20 refer to it as City Exhibit 4, that's fine.

21  
22 BY MR. MASSOGLIA:

23 Q. So let's talk about the specific  
24 reasons for the denial. You can see this

1 document and that's the Chicago Department of  
2 Transportation letterhead on the top there,  
3 right?

4 A. Yes.

5 Q. And your signature on the bottom?

6 A. Yes.

7 Q. And one of your roles, I believe you  
8 testified, as [inaudible] the public way  
9 permitting office?

10 A. Yes, that is my role at the City of  
11 Chicago.

12 Q. So it's squarely your responsibility to  
13 determine, for example, if an application is  
14 duplicative?

15 A. That's among my responsibilities. But,  
16 yes.

17 Q. And do you have exclusive authority to  
18 make that determination?

19 A. In terms of whether or not an  
20 application is duplicative?

21 Q. Yes.

22 A. I believe others at CDOT can do that as  
23 well. My boss or even the commissioner can make  
24 that determination as well.

1           Q.     But you don't consult with the CPD  
2     [inaudible] duplicative for example; is that  
3     right?

4           MR. SPAHR:  Objection.  As to relevance.

5           ADMINISTRATIVE LAW JUDGE LOMBARDO:  I allow  
6     it.  Go ahead.  Answer the question.

7           THE WITNESS:  For this particular  
8     application, no, this was -- I did not consult  
9     with CPD.

10

11  BY MR. MASSOGLIA:

12           Q.     Okay.  So do you see it listed three  
13     bases for the denial in the letter, three  
14     statutory bases?

15           A.     Yes.  Those are excerpts from the city  
16     code.

17           Q.     Okay.  And so the first one, this is  
18     Section 330(d)(1).  It begins:  No person or  
19     organization may submit more than one application  
20     for the same parade date; is that right?  That's  
21     partial, I'm not saying that's the entire  
22     ordinance.

23           A.     Yeah, that is in the first line, yes.

24           Q.     [Inaudible] we agreed that that's not

1        what happened here. It was not the same parade  
2        date and route, correct?

3            A.        It was the same route and although it  
4        was a different date, that is not allowed by the  
5        code.

6            Q.        Okay. And so, yeah, we agree it was a  
7        different date. And then the next portion of  
8        that first subsection of the ordinance it says:  
9        Or for a parade route that's substantially  
10       similar [inaudible] described but different day  
11       or route, right?

12           A.        Yes. That is part of the code.

13           Q.        And would you agree that each of these  
14       three subsections listed in the letter all relate  
15       to the general question of whether or not an  
16       application is duplicative?

17           MR. SPAHR: Objection. Calls for a legal  
18       conclusion.

19           ADMINISTRATIVE LAW JUDGE LOMBARDO: No, I  
20       don't think it does. Just his opinion on what it  
21       says.

22           THE WITNESS: Yeah, it's the City code and  
23       I'm not an attorney, so I'm -- I just have to go  
24       by the code, which states that we can't accept

1 applications that are substantially similar but  
2 on different dates.

3

4 BY MR. MASSOGLIA:

5 Q. And I guess what I'm getting at is that  
6 in assessing that in your role as managing the  
7 public way permit office, you consider each of  
8 these portions of the city code; is that right?

9 A. Correct. If -- this is the portion of  
10 the city code that governs these types of  
11 applications.

12 Q. And so the second basis for denial,  
13 this is Subsection (d)(3), you -- the language is  
14 very similar. Take your time and read this if  
15 you'd like to in terms of what it prohibits. But  
16 they do different things; is that fair?

17 MR. SPAHR: Objection as to vagueness.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO:

19 Sustained. Can you restate it?

20

21 BY MR. MASSOGLIA:

22 Q. Do they serve different legal purposes,  
23 they're independent bases for denial; is that  
24 correct?

1           A.     Again, not being an attorney, I don't  
2     know. I guess I'm not understanding the  
3     question.

4           Q.     Well, you cited both of them, correct?

5           A.     Correct. These are both part of the  
6     code section that addresses these type of  
7     applications and whether or not they're  
8     duplicative.

9           Q.     And they're both reasons for the  
10    denial; is that right?

11          A.     They are both part of the code that fed  
12    into the denial, yes.

13          Q.     Okay. And I mean, I believe your  
14    letter states in the first paragraph, it's denied  
15    for the following reasons and the lists the  
16    subsections; do you see that?

17          A.     Yes.

18          Q.     Okay. And so Section (1) says, would  
19    you agree, you can't submit duplicate  
20    applications. Is that a fair summary?

21               MR. SPAHR: Objection. Misstates the law.

22               MR. MASSOGLIA: Let the record reflect that  
23    [inaudible].

24               ADMINISTRATIVE LAW JUDGE LOMBARDO: Restate

1 the question.

2

3 BY MR. MASSOGLIA:

4 Q. Is it fair to say that the first  
5 Section, (d)(1), states that no person or  
6 organization may submit more than one application  
7 for the same parade date and route?

8 MR. SPAHR: Objection. Asked and answered.

9 ADMINISTRATIVE LAW JUDGE LOMBARDO:

10 Sustained. I think he acknowledged that already.

11

12 BY MR. MASSOGLIA:

13 Q. So it's -- are Section 1 and 3  
14 different?

15 MR. SPAHR: Objection. Calls for a legal  
16 conclusion.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think  
18 it calls for his opinion. He can give it.

19 THE WITNESS: I don't know what you mean by  
20 different. Obviously, they are different  
21 sections of the code.

22

23 BY MR. MASSOGLIA:

24 Q. And they have different language,

1 correct?

2 A. They are worded differently. But  
3 again, I'm not a legal expert, so I'm not sure  
4 what you mean by the difference.

5 Q. In your opinion as the -- as the person  
6 responsible -- primarily responsible for  
7 approving or denying permits, do you consider the  
8 last sentence of the second section that we're  
9 talking about, which states the persons or  
10 organizations shall not be eligible for such a  
11 permit and shall be in violation of the  
12 ordinance?

13 A. Do I consider in what sense?

14 Q. In making your decision?

15 A. Well, that's part of the code that I  
16 have to follow as a city employee, so if -- to  
17 me, and again I'm not a legal expert, that's  
18 saying that if I had received a duplicate  
19 application, it's supposed to be denied.

20 Q. Okay. And then the last portion,  
21 Section (d)(4), why did you include that as basis  
22 for one of the reasons for your denial?

23 A. That's just part of the information  
24 that was included in the denial so that it was



1 clear that I was following the code. And the  
2 code -- and this section says the commissioner is  
3 authorized to disregard any such multiple  
4 applications so.

5 Q. And [inaudible]?

6 A. It was just for clarification.

7 Q. And it also states and to deny -- the  
8 commissioner is authorized to deny a permit on  
9 the basis of a violation of the subsection?

10 A. Correct.

11 Q. Okay. So what does the phrase  
12 "substantially similar" mean in Section (1) and  
13 (3), in your opinion as the person responsible  
14 for approving and denying parade permits?

15 MR. SPAHR: Objection. Calls for a legal  
16 conclusion.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: No.  
18 I'll allow it. You're asking what his reason was  
19 for the denial. And he's the one that interprets  
20 it and makes the decision. Go ahead and answer,  
21 sir.

22 THE WITNESS: My understanding that if an  
23 application is duplicative, that we are to deny  
24 it. If you're asking how it's duplicative, it's

1 in the code that if the same organization using a  
2 similar route or submitted by the same person or  
3 organization is simply changing the date, that it  
4 is considered a similar application and it's  
5 duplicative.

6

7 BY MR. MASSOGLIA:

8 Q. And when it says -- part of the basis  
9 for your denial is that it was substantially  
10 similar in theme or units?

11 A. That is part of the code, yes.

12 Q. And that was part of the basis to the  
13 denial --

14 A. Well, I'm basing my denial on the code  
15 so, yes.

16 Q. Okay. And so what does "in theme or  
17 units" mean?

18 A. So we receive all kinds of parade  
19 applications. Whether it's a protest march,  
20 whether it's for a holiday celebration like  
21 St. Patrick's Day or Thanksgiving. So some  
22 parades have a specific theme, as can protests  
23 have a specific theme.

24 But if the application is a similar route

1 by the same organization, but simply changing the  
2 date, and in this particular case, both of them  
3 said they were expecting 1,000 plus attendees as  
4 well as using the same route. So that's how it  
5 was deemed to be duplicative.

6 Q. And did you give any consideration to  
7 the fact that the name was different when  
8 assessing whether the theme was the same?

9 A. I did see that the name was different,  
10 but the only difference that I see in the name is  
11 that they added the new date that they were  
12 requesting onto the name.

13 Q. And did you reach out to the applicant  
14 to assess whether they actually had a different  
15 theme?

16 A. For this second application?

17 Q. Yes.

18 A. No. I did not.

19 Q. Okay. And so what makes a theme the  
20 same in your professional opinion?

21 A. That would be basically in this  
22 particular case they were both protesting outside  
23 the DNC location, same number of locations, same  
24 route, same -- basically everything in the

1 application was the same except for they added  
2 the date to the end of the name and they asked  
3 for a different date.

4 Q. Now, would you agree with me that  
5 protests on different dates might have different  
6 purposes?

7 MR. SPAHR: Objection. Outside the scope  
8 and calls for speculation.

9 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
10 Sustained.

11

12 BY MR. MASSOGLIA:

13 Q. In another part of the statute says in  
14 theme or units. What does units mean?

15 A. So that's a term that we use at the  
16 city to describe like marching units or -- so  
17 like if you have parade that might have marching  
18 bands, it might have floats or something like  
19 that, each one of those would be considered a  
20 unit.

21 Q. And am I correct -- will you take my  
22 word for it, that the ordinance defines parade  
23 unit or unit means one vehicle, one club, or one  
24 marching group?

1           A.     I don't have that section of the code  
2     in front of me but that sounds similar to how we  
3     would determine it if we were assessing an  
4     application.

5           Q.     Okay.

6           MR. MASSOGLIA:   So at this point, I'd like  
7     go over what was marked as Petitioner's  
8     Exhibit 1.  It's the municipal code parade  
9     ordinance, which you have a copy of it.  In fact,  
10    I can show Counsel [inaudible].

11          ADMINISTRATIVE LAW JUDGE LOMBARDO:  We can  
12    take judicial notice of the ordinance.  What  
13    particular section are you referring to?

14          MR. MASSOGLIA:  We're looking at  
15    definitions, parade unit or unit.  It's on the  
16    first page [inaudible].

17          ADMINISTRATIVE LAW JUDGE LOMBARDO:  Okay.

18

19  BY MR. MASSOGLIA:

20          Q.     Do you see that there is --

21          A.     Yes, I see where it's defined parade  
22    unit or unit means one vehicle, one float, or one  
23    marching group.

24          Q.     And what -- what is a marching group?

1           A.     It can be -- like I said it could be a  
2     marching band or as it's defined here, I mean, it  
3     can be an organization that's marching together.

4           Q.     And so am I correct in understanding  
5     this comes up a lot more for maybe a parade that  
6     is going to be a lot of different floats and each  
7     one of those is a unit?

8           A.     Yeah, each float -- sorry.

9           MR. SPAHR:  Objection.  Speculation.

10          ADMINISTRATIVE LAW JUDGE LOMBARDO:  No,  
11     I'll allow it.  Go ahead.

12          THE WITNESS:  So yeah, if we were  
13     evaluating a parade that had floats we would  
14     consider each float a unit.

15

16     BY MR. MASSOGLIA:

17          Q.     And do you consider each person a unit?

18          A.     I'm not aware of a situation like that.  
19     The group would be a unit.  So like if you were  
20     marching as a group of -- like a group of  
21     plumbers marching in the St. Patrick's Day parade  
22     or something like that.

23          Q.     Okay.  And so if there was one  
24     application that there were going to be two

1       separate, you know, groups of workers or whoever  
2       it might be marching, each one of one of those  
3       would be a separate unit; is that right?

4               MR. SPAHR:  Objection.  Improper  
5       hypothetical.

6               ADMINISTRATIVE LAW JUDGE LOMBARDO:  Where  
7       are you going with this, Counsel?

8               MR. MASSOGLIA:  I'm just trying to  
9       understand what the ordinance means because I'm  
10      very confused by it.  And I believe we need to  
11      establish why -- how he is interpreting it in  
12      order to establish whether this was, in fact,  
13      duplicative.

14              ADMINISTRATIVE LAW JUDGE LOMBARDO:  I don't  
15      think his testimony concerned anything about  
16      units.

17              MR. MASSOGLIA:  Pardon?

18              ADMINISTRATIVE LAW JUDGE LOMBARDO:  I don't  
19      believe his testimony concerned anything about  
20      the number of units.

21              MR. MASSOGLIA:  Yeah, but that is listed as  
22      a basis for the denial in City's Exhibit 2.

23              ADMINISTRATIVE LAW JUDGE LOMBARDO:  It's  
24      listed in the section that lists the basis for

1 the denial. He doesn't have to use all those  
2 bases. He's defined which basis he used, right?  
3 So I think you're going beyond the direct.  
4 Sustained.

5  
6 BY MR. MASSOGLIA:

7 Q. Is it a necessary prerequisite for an  
8 application by the same organization that has an  
9 alternate date or route that the denial that it  
10 actually be based on because it's substantially  
11 similar?

12 MR. SPAHR: Objection. Compound --

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: Yeah, I  
14 didn't get that.

15  
16 BY MR. MASSOGLIA:

17 Q. Do you have to decide if something is  
18 substantially similar before you deny it as  
19 duplicative?

20 A. Well, if it -- I guess I don't  
21 understand the question. I mean, if something is  
22 similar it would be duplicative. I mean --

23 Q. Yeah. And that's -- that's what I'm  
24 trying to tease out. Because I'm confused by the



1 statute. So we talked a little bit about  
2 marching groups. And so how did in this case did  
3 you ascertain the number of marching groups from  
4 the application?

5 MR. SPAHR: Objection. Relevance.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think  
7 it's relevant, but I don't think it's part of  
8 what he directly testified --

9 MR. SPAHR: Beyond the scope.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: -- to  
11 so sustained.

12 MR. MASSOGLIA: The City incorporated this  
13 language that denies the application based on the  
14 theme and the units. That's why it was denied.  
15 So I think it's [inaudible] that the City that  
16 [inaudible] exhibit.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: Motion  
18 was sustained.

19

20 BY MR. MASSOGLIA:

21 Q. In general, but having the same amount  
22 of people or the same topic makes something  
23 substantially similar?

24 A. If two different groups applied for

1 something similar, I guess, that would not be  
2 duplicative. But if the same group was applying  
3 for the same activity in the same location, then  
4 that could possibly be duplicative.

5 Q. Okay. And here that's what you  
6 determined, it's the same organization, same  
7 people, same route?

8 A. Based on the applications that were  
9 submitted, yes, it was the same route, same  
10 applicant. The only thing different was a  
11 different date.

12 Q. And you can deny it based on a  
13 different -- the same parade date or the same  
14 parade route, it doesn't have to be both of those  
15 in order to deny as duplicative?

16 A. So in the code, yes, if everything --  
17 if the same organization applies for the same  
18 route for the same activity in the same location,  
19 but only changes the date, that would be deemed  
20 duplicative by the ordinance. So that's --  
21 that's what I have to go by, is what's in the  
22 ordinance.

23 Q. And what if there were two applications  
24 with the same theme but different dates and

1 different routes. Can you deny that?

2 MR. SPAHR: Objection. Improper  
3 hypothetical, relevance.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
5 Sustained.

6

7 BY MR. MASSOGLIA:

8 Q. What about two applications on the same  
9 date but different themes or units?

10 MR. SPAHR: Objection.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
12 Sustained.

13 MR. MASSOGLIA: I've got a lot more  
14 questions about this so I guess I will -- do you  
15 want me to read them in to make a record and then  
16 have them sustained --

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: If you  
18 want to make a record you have to read them.

19 MR. MASSOGLIA: Yeah.

20

21 BY MR. MASSOGLIA:

22 Q. What about two applications with  
23 different routes but the same theme on different  
24 dates with different [inaudible]?

1 MR. SPAHR: Objection.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 Sustained.

4 MR. MASSOGLIA: I'll stipulate to a  
5 standing objection to all these questions.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO:

7 [Inaudible].

8

9 BY MR. MASSOGLIA:

10 Q. What about the same route, same theme,  
11 but different units on different dates?

12 Objection sustained. What about -- I guess what  
13 I'm getting at is [inaudible] is a little  
14 confusing.

15 MR. SPAHR: Objection.

16 ADMINISTRATIVE LAW JUDGE LOMBARDO:

17 Sustained.

18 MR. MASSOGLIA: What's the basis for the  
19 objection?

20 MR. SPAHR: Calling for a legal conclusion,  
21 improper opinion of the witness, outside the  
22 scope of testimony.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: It was  
24 sustained, Counsel.

1 MR. MASSOGLIA: Thank you, Judge.

2

3 BY MR. MASSOGLIA:

4 Q. And a person can be fined for violating  
5 the statute?

6 A. It's based on the code, so any fines  
7 that are included in the code could be levied.

8 Q. And they could also be imprisoned for  
9 violating the statute, right?

10 A. Again, that's based on the code.  
11 That's not something that I would personally do.

12 Q. So if you wouldn't mind turning to  
13 Section (s) in the exhibit that you have in front  
14 of you [inaudible].

15 MR. SPAHR: Objection. Beyond the scope of  
16 the direct.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
18 Sustained.

19 MR. MASSOGLIA: So at this point, I guess,  
20 I would renew my motion for subpoenas because  
21 there's no way for us to make a constitutional  
22 record without establishing the ordinance is  
23 [inaudible].

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: If the

1 ordinance what?

2 MR. MASSOGLIA: Is [inaudible], which is a  
3 critical inquiry in First Amendment analysis. If  
4 an ordinance provides for imprisonment or fines,  
5 which this does, there are different standards,  
6 more exacting standards applied to its contents.

7 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

8 MR. MASSOGLIA: And so the idea is that  
9 this section is [inaudible] the ordinance as  
10 applied here as an improper time, place, and  
11 manner of restrictions [inaudible] nature of the  
12 statute as a whole is [inaudible].

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.  
14 And your request for subpoenas for who?

15 MR. MASSOGLIA: At minimum, Chicago's  
16 representative of the Chicago Police Department  
17 and in prior [inaudible] I'm aware that the City  
18 has brought a representative of the Secret  
19 Service. I don't know that [inaudible]  
20 individual would be necessary [inaudible] their  
21 case.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,  
23 and why is that testimony of those individuals  
24 relevant?

1           MR. MASSOGLIA: Well, because it would  
2           elicit information about the conversations that  
3           occur between the Chicago Police Department and  
4           the Chicago Department of Transportation, the  
5           decision making process and who bears  
6           responsibility.

7           And Mr. Gallardo said it's not something he  
8           would personally do. But I'm not clear on who  
9           can do that.

10          ADMINISTRATIVE LAW JUDGE LOMBARDO: But  
11          that didn't occur in this case.

12          MR. MASSOGLIA: It didn't, but I --

13          ADMINISTRATIVE LAW JUDGE LOMBARDO: So your  
14          motion for subpoena is denied.

15          MR. MASSOGLIA: I will represent to the  
16          Court that that issue of fines was raised by  
17          Counsel for the City. [Inaudible] implicitly  
18          yesterday on the telephone --

19          ADMINISTRATIVE LAW JUDGE LOMBARDO: It  
20          wasn't part of this record.

21          MR. MASSOGLIA: Okay.

22          ADMINISTRATIVE LAW JUDGE LOMBARDO:  
23          Subpoena denied.

24          MR. MASSOGLIA: So remind me what I'm

1       allowed to ask about the punitive nature of this.

2               ADMINISTRATIVE LAW JUDGE LOMBARDO: Well, I  
3       mean, you can ask your questions and see if  
4       there's an objection.

5               MR. MASSOGLIA: Okay.

6               ADMINISTRATIVE LAW JUDGE LOMBARDO: Do you  
7       want -- are you going to present a witness?  
8       Maybe this witness isn't the right vehicle for  
9       what you're trying to do.

10              MR. MASSOGLIA: I think that's right. And  
11       I think given the motion yesterday and it was  
12       outlined in the motion for continuance  
13       [inaudible] motion for continuance to allow us to  
14       address this limited scope change and legal  
15       strategy that was forced upon us at the last  
16       minute.

17              ADMINISTRATIVE LAW JUDGE LOMBARDO: Denied.  
18       All right. Anything else for this witness?

19              MR. MASSOGLIA: Oh, yeah.

20              ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

21

22       BY MR. MASSOGLIA:

23              Q.     So [inaudible] question about

24       Subsection (d) -- or Subsection (s). Could you



1 turn to that section [inaudible]?

2 MR. SPAHR: Objection.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO:

4 Sustained, Counsel. This wasn't part of the  
5 decision.

6 MR. MASSOGLIA: I believe it is, Your  
7 Honor --

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: The  
9 three sections that were part of the decision are  
10 cited, that you already acknowledged.

11 MR. MASSOGLIA: Yeah. And in Section (3)  
12 it states that this is a violation of the  
13 subsection. Section (s) determines what the  
14 penalties are for a violation. I think it's  
15 within the scope.

16 ADMINISTRATIVE LAW JUDGE LOMBARDO: But the  
17 penalties have already been determined, so why do  
18 we need to get into what possible penalties could  
19 have been imposed?

20 MR. MASSOGLIA: I'd like to make the most  
21 [inaudible] record that I possibly can as my  
22 clients consider their options [inaudible]  
23 determination of this proceeding.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: I mean,

1 I've got0 no problem giving you a little leeway  
2 here, but I think I've done that quite a bit  
3 already.

4 MR. MASSOGLIA: Yeah --

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Why  
6 don't you go ahead and sum up your constitutional  
7 argument and make your record and then we'll move  
8 on.

9 MR. MASSOGLIA: Sure. So I've already done  
10 it and I think we'll get to that a little bit  
11 more later as to [inaudible]. But the principal  
12 point is that it's very unclear what makes  
13 something substantially similar. The ordinance  
14 in that way is vague and criminal penalties  
15 accrue to someone who violates by submitting an  
16 duplicative application.

17 I'm not clear on who makes this decision.  
18 I was informed yesterday by the City [inaudible]  
19 to my client. They did not say that they would  
20 issue fines, but I was sent [inaudible] any fine  
21 for this.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

23 MR. MASSOGLIA: And so to me it's a  
24 critical point that I get -- this is so much

1       about whether the First Amendment is going to be  
2       respected at the Democratic National Convention,  
3       which I think everybody agrees it ought to be.

4               ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

5               MR. MASSOGLIA: And this ordinance does not  
6       operate [inaudible].

7               ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.  
8       You've made your record. Anything else for this  
9       witness?

10              MR. MASSOGLIA: Yeah.

11

12   BY MR. MASSOGLIA:

13              Q.     I have more questions about how many  
14       parade applications you get each year and what  
15       you do when you [inaudible].

16              MR. SPAHR: Objection. Relevance.

17              ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll  
18       let him answer that one.

19              THE WITNESS: I don't have the specific  
20       count in front of me, but I'm -- probably a few  
21       hundred, maybe even a couple thousand in a given  
22       year. It depends. I don't have that information  
23       in front of me.

24

1 BY MR. MASSOGLIA:

2 Q. You said a few hundred?

3 A. At least. Probably -- I mean, there's  
4 a lot of different activities that fall into the  
5 category of a parade. It could be protest  
6 marches, it could be wedding processions, it  
7 could be -- like I said, Thanksgiving Parade,  
8 St. Patrick's Day Parade. So I don't have the  
9 count in front of me of what we received last  
10 year.

11 Q. And how many of those are denied in a  
12 given year?

13 MR. SPAHR: Objection. Relevance.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: Where  
15 are you going with that, Counsel?

16 MR. MASSOGLIA: I'd like to know how many  
17 are denied as duplicative and see if the  
18 ordinance was discriminatorily applied here.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
20 [Inaudible].

21 THE WITNESS: I don't have that number in  
22 front of me.

23 MR. SPAHR: Objection. Foundation.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO:

1 Anything else?

2 MR. MASSOGLIA: I may. I mean, I've got  
3 six more pages, but I will do my best pare it  
4 down.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,  
6 let's just --

7 MR. MASSOGLIA: In fact --

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,  
9 for the record, just say that you can submit your  
10 questions and that he have a standing objection  
11 and a standing sustained on your questions.  
12 How's that?

13 MR. MASSOGLIA: That is very gracious, Your  
14 Honor. I appreciate it. I will -- I need to  
15 take just a moment to review those pages and see  
16 if there's anything else.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure,  
18 go ahead.

19 MR. MASSOGLIA: So do you care that we're  
20 not getting into traffic data in any way?

21 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think  
22 there's a standing objection as far as beyond the  
23 scope of the direct examination and those types  
24 of questions. And a sustaining is a standing

1 ruling.

2 MR. MASSOGLIA: And a similar ruling on a  
3 discussion of traffic impacts, large parades,  
4 things like that?

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Yes.

6 MR. MASSOGLIA: Okay.

7

8 BY MR. MASSOGLIA:

9 Q. Is it your role within the Chicago  
10 Department of Transportation to consult with  
11 other agencies when you receive a parade permit  
12 application?

13 A. Do I answer that question?

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think  
15 he's already testified to that.

16 MR. SPAHR: Yeah. Objection. Relevance.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: Asked  
18 and answered I believe would be the --

19 MR. SPAHR: Asked and answered.

20

21 BY MR. MASSOGLIA:

22 Q. And I believe you testified you didn't  
23 do that in this case, right?

24 MR. SPAHR: Objection. Outside the scope.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think  
2 he already testified to that as well.

3

4 BY MR. MASSOGLIA:

5 Q. So you did not consult with other  
6 organizations before determining this was  
7 duplicative. But did you for the first  
8 application?

9 MR. SPAHR: Objection.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
11 Sustained.

12 MR. MASSOGLIA: So I'd just like to look  
13 one more moment. I might have about two or three  
14 more questions.

15 ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
16 right.

17 MR. MASSOGLIA: [Inaudible].

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

19

20 BY MR. MASSOGLIA:

21 Q. I'm going to turn your attention to  
22 Subsection (g) of the ordinance. So that's  
23 procedures when receiving an application.

24 Do you see the leading line in that? It

1       says: After the investigation, the  
2       commissioner -- well, let me ask you a question.  
3       When you receive an application that may be  
4       duplicative, do you ever consult with other city  
5       agencies to investigate the factor outlined in  
6       (g)?

7               MR. SPAHR: Objection. Relevance. And  
8       vagueness.

9               MR. MASSOGLIA: If he's got to say whether  
10       or not it's similar or not I need to know what  
11       he's doing to determine that, Your Honor.

12              ADMINISTRATIVE LAW JUDGE LOMBARDO: I think  
13       it's relevant. But I think it's already  
14       answered. I mean -- repeat the question.

15

16   BY MR. MASSOGLIA:

17              Q.     When you get an application you believe  
18       may be duplicative, do you ever consult with  
19       other city agencies to decide is that  
20       duplicative?

21              MR. SPAHR: Objection. Asked and answered.  
22       The witness has already testified as to how he  
23       considers the applications.

24              ADMINISTRATIVE LAW JUDGE LOMBARDO: I mean,



1       we're focused on this particular application.

2               MR. MASSOGLIA: Uh-huh.

3               ADMINISTRATIVE LAW JUDGE LOMBARDO: And  
4       you're asking what he does in a similar  
5       situation, right?

6               MR. MASSOGLIA: [Inaudible] to the  
7       testimony that he denied this application.

8               ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,  
9       keep your cross based on his direct, right. And  
10      I think he already testified that he didn't in  
11      this particular case. So where are you going  
12      with what he may have done with something else?

13              MR. MASSOGLIA: [Inaudible] violation of  
14      the statute based on a [inaudible] consult.

15              ADMINISTRATIVE LAW JUDGE LOMBARDO: And you  
16      believe there's some requirement or duty to  
17      consult with other --

18              MR. MASSOGLIA: I do.

19              ADMINISTRATIVE LAW JUDGE LOMBARDO: Answer  
20      the question.

21              THE WITNESS: I can't think of a specific  
22      instance where this has occurred before. At  
23      least, not in this specific situation. But  
24      again, we receive lots of applications, even for

1       parades. So I can't be certain that I didn't  
2       share that information with other departments.

3               ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

4

5 BY MR. MASSOGLIA:

6               Q. And just to be clear, I'm referring to  
7       Subsection (f), which states, "The commissioner  
8       shall investigate the facts set out in the  
9       application, in consultation with the police  
10      department." Do you see that?

11              MR. SPAHR: Objection. Beyond the scope.

12              ADMINISTRATIVE LAW JUDGE LOMBARDO:

13      Sustained.

14              MR. SPAHR: And vagueness.

15              MR. MASSOGLIA: I don't believe I have  
16      anything else --

17              ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
18      right. Thank you, Counsel. Anything else for  
19      this witness?

20              MR. MASSOGLIA: We intend to recall based  
21      on testimony presented in an affidavit to the  
22      Court. It's a 2023 correspondence -- it'll be  
23      presented based on correspondence between the  
24      Chicago Department of Transportation and our --

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

2 Well, you want to recall this witness you're  
3 saying?

4 MR. MASSOGLIA: Yeah, after --

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,  
6 let's see if he's -- are you going to redirect?

7 MR. SPAHR: We have no redirect.

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.  
9 Sir, you're excused for now, but don't leave  
10 because you may be recalled as a witness, okay?  
11 So stay available.

12 THE WITNESS: Do I stay in the room or  
13 should I step outside?

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: No, you  
15 can -- go outside.

16 THE WITNESS: Okay.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: Any  
18 other witnesses, City?

19 MR. SPAHR: The City has no further  
20 witnesses.

21 ADMINISTRATIVE LAW JUDGE LOMBARDO: City  
22 rests?

23 MR. SPAHR: Yes.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: All

1 right. Counsel, do you intend on putting on  
2 witnesses in your case?

3 MR. MASSOGLIA: Yes. I'll go get our first  
4 witness.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.  
6 Yeah, just kind of scoot up a little bit so you  
7 can direct your voice to that microphone. You  
8 don't have to yell, but kind of keep your voice  
9 elevated and speak slowly and clearly for me,  
10 please. What is your name?

11 MR. GUILLORY: Kobi Guillory, K-O-B-I,  
12 G-U-I-L-L-O-R-Y.

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: Raise  
14 your hand, please. Do you swear or affirm  
15 testimony you're about to give will be the truth,  
16 the whole truth, and nothing but the truth?

17 MR. GUILLORY: Yes, I swear.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
19 right. Counsel, you can proceed.

20

21 DIRECT EXAMINATION

22 BY MR. MASSOGLIA:

23 Q. So can you just restate your name for  
24 the record?

1           A.     Yeah. Kobi Guillory, K-O-B-I,  
2     G-U-I-L-L-O-R-Y.

3           Q.     Kobi, are you a member of the Chicago  
4     Alliance Against Racist & Political Repression?

5           A.     Yes. I'm one of the co-chairs.

6           Q.     And that also -- and that group also  
7     sometimes goes by the shorthand of Chicago  
8     Alliance; is that correct?

9           A.     Yes.

10          Q.     What is the Chicago Alliance?

11          A.     It's an organization that was formed in  
12     1973 out of the Campaigns to Free Angela Davis  
13     and All Political Prisoners. Since then we've  
14     been fighting for community control of the police  
15     and freedom for political prisoners, [inaudible],  
16     and people are otherwise wrongfully convicted.

17          Q.     Okay. And are you also involved with  
18     the Coalition to March on the DNC?

19          A.     Yes. I'm officially the spokesperson.

20          Q.     What is the Coalition to March on the  
21     DNC?

22          A.     It's a coalition of organizations like  
23     the Chicago Alliance to fight for social justice,  
24     against police crimes, against wars and genocide

1 in other countries, as well as rights for  
2 immigrants, rights -- reproductive rights, LGBTQ  
3 rights, workers rights, so on and so forth.

4 Q. And how did the Coalition come into  
5 existence?

6 A. When we heard that the DNC was coming  
7 to Chicago, which was about April last year,  
8 that's when we formed the Coalition. We started  
9 having press conferences around that time. And  
10 we've been gathering more organizations into the  
11 Coalition since then.

12 Q. Okay. So now I'm going to ask some  
13 questions about the permit applications that you  
14 submitted. As part of your involvement with  
15 Chicago Alliance and the Coalition, have you been  
16 involved in preparing and submitting parade  
17 permits?

18 A. Yes.

19 Q. Did you submit the -- a parade permit  
20 for a protest march on August 19, 2024?

21 A. Yes, I did.

22 Q. And was another such parade permit  
23 submitted for a protest on August 22, 2024?

24 A. Yes, it was.

1           Q.     Okay. So we're going to go through  
2           these permits, one by one. So I'm going start by  
3           talking about your first permit application for  
4           the August 19th application.

5           A.     Uh-huh.

6           Q.     So I'm going to be giving you what has  
7           been marked as City's Exhibit 1, or  
8           alternatively -- it would be --

9           ADMINISTRATIVE LAW JUDGE LOMBARDO: You can  
10          use it as City's 1. That's fine.

11          MR. MASSOGLIA: Okay. City, would you  
12          provide a copy for him, too?

13          ADMINISTRATIVE LAW JUDGE LOMBARDO: You  
14          don't have the City's exhibits.

15          MR. SPAHR: We tendered them to Counsel  
16          last night.

17          MR. DIONNE: They were part of our  
18          [inaudible].

19          ADMINISTRATIVE LAW JUDGE LOMBARDO: Do you  
20          have extra copies 1, 2 --

21          MR. SPAHR: Yeah.

22          ADMINISTRATIVE LAW JUDGE LOMBARDO: Did you  
23          get 4 already?

24          MR. DIONNE: Yeah, they have 4 already.

1 I'll give them --

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: 1, 2,  
3 and 3.

4 MR. DIONNE: 1, 2, and 3.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
6 right. Thank you.

7

8 BY MR. MASSOGLIA:

9 Q. So I'm presenting you a copy of what's  
10 marked City's Exhibit 1. Do you recognize this  
11 document?

12 A. Yes.

13 Q. What is that?

14 A. It's the parade application for the  
15 19th.

16 Q. Okay. And does this application list  
17 the location of the assembly area as Union Park?

18 A. Yes.

19 Q. Is that also the listed location for  
20 the disbanding area?

21 A. Yes.

22 Q. What was the proposed route as listed  
23 on this application?

24 A. So we're going to march down -- from



1 Union Park down Ashland. From Ashland, we're  
2 going to turn onto Adams. From there we're going  
3 to walk on Damen until we get to Washington.  
4 Then we're going into the Park 578, which is  
5 within sight and sound of the United Center where  
6 the DNC is going to be.

7 And we're going to have a second program  
8 over there that we're going to march -- we're  
9 going to exit Park 578 and march back to Union  
10 Park and then disburse around 4:30 p.m.

11 Q. Why did you apply for a parade permit  
12 on August 19th along this route?

13 A. So on August 19th, that's going to be  
14 the starting day of the DNC. We -- we're  
15 planning to march just to be heard to raise up  
16 our set of demands, which are an end to the USA  
17 for Israel, community control over the police,  
18 rights for immigrants, rights for LGBTQ people,  
19 and reproductive rights, workers' rights to  
20 organize and strike, and money for health care,  
21 housing, education, jobs, the environment and not  
22 for war, and finding the peace, justice, and  
23 equality.

24 The reason we're applying for a permit is

1       because a lot of people are [inaudible]  
2       experience, being attacked by the police,  
3       especially at high-profile events like this --

4               MR. SPAHR:  Objection.  Narrative.

5               MR. MASSOGLIA:  I can just --

6               ADMINISTRATIVE LAW JUDGE LOMBARDO:  Yeah.  
7       Why don't you ask questions and solicit answers?  
8       Sustained.

9               MR. MASSOGLIA:  Okay.  Sorry, Judge.

10

11       BY MR. MASSOGLIA:

12              Q.       So I think you said that this -- part  
13       of reason you chose this route, would it take you  
14       within sight and sound of the delegates gathering  
15       at the Democratic National Convention?

16              A.       Yes.  That's what I'm saying.

17              Q.       And how do you know that?

18              A.       Because we've looked at the Park 578.  
19       We know that you can see the United Center from  
20       there, so we can be seen from there.  We know how  
21       loud we can get when we're protesting, so we know  
22       we can be heard from there as well.

23              Q.       And would this route also take you  
24       within the sights and sound of the media covering

1 the gathering of the delegates downtown?

2 A. Yes.

3 Q. Is your goal and the goal of the  
4 coalition for the convention delegates and the  
5 media to hear and see your demonstration?

6 A. Yes, it is.

7 Q. And is it your goal and the goal of the  
8 Coalition for passerbys and the people of  
9 Chicago, generally, to hear and see your  
10 demonstration on the 19th?

11 A. Yes. Everyone who's enjoying it they  
12 can.

13 Q. Okay. So I'm going to ask you some  
14 questions about your communication with CDOT.  
15 After you submitted the application for the  
16 August 19th march, did anyone from the City of  
17 Chicago contact you regarding your application?

18 A. Yeah. I got a call from --

19 MR. SPAHR: Objection.

20 ADMINISTRATIVE LAW JUDGE LOMBARDO: What's  
21 the basis?

22 MR. SPAHR: Hearsay, lack of foundation,  
23 relevance.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll

1 allow it.

2

3 BY MR. MASSOGLIA:

4 Q. Do you want me to ask the question  
5 again?

6 A. Okay.

7 Q. Did anyone from the City of Chicago  
8 contact you regarding your application?

9 A. Yeah, I got a call from the Susan  
10 Pollack [phonetic] around January 16th.

11 Q. Okay. And what did -- and Susan  
12 Pollack is with the Chicago Department of  
13 Transportation to your knowledge?

14 A. Yes.

15 Q. What did she say to you in that phone  
16 call?

17 A. So the first thing she asked me was if  
18 I had gotten a call from the CPD, from the  
19 Chicago Police Department. I told that I hadn't  
20 gotten that call. She said that they're asking  
21 us to revise the parade route because of --  
22 because of -- so that emergency vehicles could  
23 have access to the area.

24 I asked her to put that in writing or send

1 me an e-mail, which she did on that same day.

2 Q. So she put -- so she submitted an  
3 e-mail substantially saying the same thing --

4 A. Uh-huh.

5 Q. That there was a concern --

6 MR. SPAHR: Objection. Leading.

7 ADMINISTRATIVE LAW JUDGE LOMBARDO: His  
8 testimony stands.

9

10 BY MR. MASSOGLIA:

11 Q. Did you respond to her e-mail?

12 A. Yeah. I responded a couple days later  
13 just after consulting with some people in the  
14 Coalition. I said that we can limit the march to  
15 two lanes of Ashland so that emergency vehicles  
16 can get in and out.

17 Q. Did she respond to your e-mail  
18 asking -- sorry. To clarify, did -- in your  
19 e-mail, did you -- sorry, strike that.

20 Did she ever respond to your e-mail about  
21 the proposed [inaudible] to only march along one  
22 side of Ashland?

23 A. No, she didn't.

24 Q. Other than the issue with marching and

1 asking whether or not CPD had contacted you, did  
2 she ask any other questions?

3 A. Not that I remember.

4 Q. I'm handing you a piece of paper. Do  
5 you recognize this piece of paper?

6 A. Yes. This is the e-mail that I sent --  
7 or the e-mail that she sent to me on the 16th and  
8 then my response on the 18th of January.

9 Q. And is this a true and accurate copy of  
10 those e-mails?

11 A. Yes.

12 Q. And was there any other e-mail  
13 correspondence between you and Susan that's not  
14 represented here?

15 A. No.

16 Q. Okay.

17 MR. MASSOGLIA: I'm marking this Alliance's  
18 Exhibit 2. And we would offer this into evidence  
19 just as evidence of that correspondence.

20 ADMINISTRATIVE LAW JUDGE LOMBARDO: Any  
21 objection?

22 MR. SPAHR: One moment, Judge.

23 MR. MASSOGLIA: We can also [inaudible].

24 MR. SPAHR: No objection, Judge.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.  
2 Without objection, we'll call it Applicant's --  
3 we'll call it 1. Applicant's 1 because the City  
4 Exhibit 1 that you referred to as --

5 MR. MASSOGLIA: Well, did we submit a copy  
6 of the ordinance or are we just taking judicial  
7 notice to that?

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: That  
9 was judicial notice, right.

10 MR. MASSOGLIA: Okay.

11

12 (Whereby, Applicant's Exhibit  
13 Number 1 having been admitted  
14 into evidence.)

15

16 BY MR. MASSOGLIA:

17 Q. So can you just kind of read aloud what  
18 you said in response to Ms. Pollack?

19 A. Yeah. So my response was: Good  
20 morning, Ms. Pollack. When we marched from Union  
21 Park before we only used two lanes of Ashland to  
22 allow emergency vehicles to pass through. Would  
23 there still be a problem with the group if we  
24 only used half of Ashland?

1 Q. So did she respond to that e-mail?

2 A. No.

3 Q. And did she in any other way contact  
4 you to let know whether or not your proposed  
5 modification would be acceptable or satisfy their  
6 concerns about the emergency vehicles?

7 A. No.

8 Q. So you didn't receive any other contact  
9 from Susan Pollack or anyone else at CDOT on that  
10 issue?

11 A. No.

12 Q. Okay. Did anyone from the Chicago  
13 Police Department contact you about the first  
14 parade application?

15 A. No.

16 Q. But Susan asked you if they had  
17 contacted you?

18 A. Yeah. The way that she asked was -- it  
19 wasn't an if they contacted you, she kind of  
20 assumed that they had.

21 MR. SPAHR: Objection. Speculation.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO:

23 Sustained.

24



1 BY MR. MASSOGLIA:

2 Q. To your knowledge have other groups  
3 organizing marches during the DNC been contacted  
4 by the CPD?

5 MR. SPAHR: Objection. Relevance, Judge.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: What's  
7 the relevance?

8 MR. MASSOGLIA: We're just establishing  
9 sort of what happened in this time period. And  
10 also kind of building our record that they were  
11 treated differently than other groups applying --  
12 for permits to march on the DNC in our opinion  
13 because of their political viewpoint.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: But the  
15 first application was not in question, right?

16 MR. MASSOGLIA: Based on Your Honor's  
17 earlier rulings, it's not.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: So it's  
19 sustained.

20 MR. MASSOGLIA: Okay.

21

22 BY MR. MASSOGLIA:

23 Q. Okay. So let's move onto the  
24 application for the August 22nd march. So this

1 is going to be -- handing the witness, City's  
2 Exhibit 3. Mr. Guillory, I'm presenting you with  
3 what's been marked as City's Exhibit 3. Do you  
4 recognize this document?

5 A. Yes.

6 Q. And is this a true and correct copy of  
7 the parade permit application you submitted to  
8 the Department of Transportation on January 2024  
9 for the Coalition to march on the DNC's August  
10 22nd march?

11 A. Yes, it is.

12 Q. And what is the name of the parade as  
13 listed on that application?

14 A. March on the DNC 2024 August 22, 2024.

15 Q. Okay. And when did you decide to --  
16 when did you -- and by you I actually mean both  
17 you and broadly the Coalition, decide to file an  
18 application to march on that second date?

19 A. So we decided to march throughout that  
20 week on November -- around 19. We have biweekly  
21 meetings as a coalition. So --

22 Q. So what caused you to make that  
23 decision?

24 A. Yeah, after -- before October, we had

1       been working with the Coalition to march in the  
2       [inaudible]. We thought that this march is going  
3       to be the much smaller of the two.

4               But after the genocide that has been funded  
5       with our tax dollars --

6               MR. SPAHR: Objection. Relevance, Judge.

7               THE WITNESS: I'm getting to it.

8               ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,  
9       keep your comments to the questions.

10              THE WITNESS: So after the event that have  
11       been happening over the past [inaudible] in  
12       Palestine, we decided to march on both the  
13       opening and the closing of the Democratic  
14       National Convention.

15              So we talked about applying for a permit  
16       for both days in November of last year.

17

18       BY MR. MASSOGLIA:

19              Q.       So you plan was to march on both days  
20       as two separate protests?

21              A.       Yes.

22              Q.       When you submitted your application for  
23       the August 22nd march, were you aware at that  
24       time whether your application for the August 19th

1 march had been denied?

2 A. We were not.

3 Q. Okay. So it's -- your thinking at that  
4 time was if they granted both of these  
5 applications you would have marched on both days?

6 MR. SPAHR: Objection. Calls for  
7 speculation, relevance.

8 MR. MASSOGLIA: It's just going to his  
9 intent. We're trying to get at what their --

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: Restate  
11 it.

12

13 BY MR. MASSOGLIA:

14 Q. So your plan was to march on both days?

15 A. Yes.

16 Q. Assuming that the permits -- if the  
17 permits were granted?

18 A. Yes.

19 Q. Was the intended message that you were  
20 going to convey the same for the August 19th and  
21 the August 22 march --

22 MR. SPAHR: Objection. Leading.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll  
24 allow it. Go ahead.

1           THE WITNESS: We are kind of assuming,  
2       based on the way that the Democratic Party has  
3       responded to marches that have happened before,  
4       that our demands wouldn't have been met between  
5       the 19th and the 22nd. So we would be refreshing  
6       those demands.

7           It would also just be a different -- it's  
8       not the same day, right? This is after four days  
9       of discussion in the DMC. So we'll have some  
10      updates between the 19th and the 22nd. So this  
11      was just going to be two different protests in  
12      terms of content.

13          MR. MASSOGLIA: I'm handing the witness  
14      what has been marked as -- oh, you took judicial  
15      notice. Of the ordinance.

16          ADMINISTRATIVE LAW JUDGE LOMBARDO: That's  
17      fine.

18          MR. MASSOGLIA: It's going to have every  
19      [inaudible], if that's okay?

20

21      BY MR. MASSOGLIA:

22          Q.     Kobi, can you read what's Section (s)  
23      of the ordinance?

24          MR. SPAHR: Objection as to relevance.

1 MR. DIONNE: Objection.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 Sustained.

4

5 BY MR. MASSOGLIA:

6 Q. So are you aware, when you submitted --  
7 were you aware when you submitted these  
8 applications that you could be fined or face  
9 criminal charges for filing duplicate  
10 applications?

11 MR. SPAHR: Objection as to relevance,  
12 Judge.

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll  
14 allow him to answer that.

15 THE WITNESS: I wasn't aware at this time,  
16 no.

17

18 BY MR. MASSOGLIA:

19 Q. Does the possibility of being  
20 imprisoned make you nervous about filing these  
21 types of permits in the future?

22 MR. SPAHR: Objection. Relevance.

23 MR. MASSOGLIA: Part of the constitutional  
24 thing is whether or not the punitive nature of

1 the statue would deter a person of ordinary  
2 fortitude. So we're just [inaudible] evidence  
3 [inaudible].

4 ADMINISTRATIVE LAW JUDGE LOMBARDO: I've  
5 allowed you to make a record. I think it was  
6 pretty clear with that point when he made his  
7 record on the constitution issues. So let's move  
8 on.

9 MR. MASSOGLIA: All right. I just have one  
10 further question.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

12 MR. MASSOGLIA: And then I understand  
13 you'll sustain the objection, too, but just for  
14 the record.

15

16 BY MR. MASSOGLIA:

17 Q. Does the possibility of fines make you  
18 more nervous about filing these permits in the  
19 future.

20 MR. SPAHR: Objection. Relevance.

21 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
22 Sustained.

23 MR. MASSOGLIA: If I could quickly confer  
24 with my colleagues.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

2 MR. MASSOGLIA: [Inaudible].

3 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

4 That's fine.

5 MR. MASSOGLIA: Your Honor, we have a  
6 question, a procedural question. We intend to  
7 submit an affidavit on behalf of one witness who  
8 couldn't be here because of work obligations.

9 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

10 MR. MASSOGLIA: What's the procedure for  
11 submitting?

12 ADMINISTRATIVE LAW JUDGE LOMBARDO: Have  
13 you given Counsel a copy of that?

14 MR. SPAHR: Are we going to be able to  
15 receive that today, though.

16 MR. MASSOGLIA: Yeah, I've got another one.  
17 [Inaudible].

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: Just  
19 give him a copy of it and let him take a look at  
20 it.

21 MR. MASSOGLIA: Yeah. Here we go.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: Any  
23 objection?

24 MR. SPAHR: Judge, we're objecting on --



1       this is by the Illinois Code of Civil Procedure,  
2       one, and we are governed by the Department of  
3       Administrative Hearing code and regulations.

4               Furthermore, it's only signed by the  
5       affiant. It's not notarized in any way as  
6       required by administrative hearings code. And as  
7       such, this is all completely hearsay that's not  
8       supported and should not be permitted.

9               Further, we cannot cross on any of the  
10      issues that are contained within this statement.  
11      So for all those reasons we object to it being  
12      entered.

13              MR. MASSOGLIA: Your Honor, I would doubt  
14      that the administrative -- the rules in  
15      Department of Administrative Hearings expressly  
16      allow for testimony to be presented by affidavit.  
17      And it is [inaudible].

18              And further Section [inaudible] of the  
19      Illinois Code of Civil Procedure states unless  
20      other [inaudible] provided [inaudible] in court  
21      [inaudible] affidavit is required [inaudible] to  
22      be verified. [Inaudible] include a certification  
23      of such affidavit in the county of [inaudible]  
24      provided in this section. And there nothing

1 related to notarization --

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: Is it  
3 certified?

4 MR. MASSOGLIA: Yeah. She certified it.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Then  
6 what's the -- just give me -- what's the nature  
7 of the affidavit. I don't want to see a copy of  
8 it yet. Just kind of give me a summary. Who is  
9 this from and what's it about.

10 MR. MASSOGLIA: It is from a former client  
11 [inaudible] that was unable to be here today.

12 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

13 MR. MASSOGLIA: She's going talk about the  
14 new information that the affidavit provides is  
15 two things. One is that in November and  
16 January -- November of 2023 and January of 2024,  
17 this group separately [inaudible] applied for a  
18 separate use permit from the Chicago Park  
19 District.

20 It goes to the fact that these applications  
21 are not duplicative. They were conceived of as  
22 different events [inaudible] November of last  
23 year.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

1           MR. MASSOGLIA: Further, it indicates  
2           her -- she was involved in preparing the  
3           applications, indicates her understanding of what  
4           is substantially similar, which, again, goes to  
5           the determination and the constitutional record  
6           [inaudible] ordinance.

7           I can -- there's certainly other things in  
8           here. But I will provide Your Honor a copy of  
9           you'd like [inaudible].

10          MR. SPAHR: And I would say at this time --  
11          I would be objecting on the grounds that they  
12          can't cross examine the witness. We wouldn't be  
13          willing to take a continuance of the case for  
14          that cross examination to be carried out --

15          MR. MASSOGLIA: And [inaudible] verify  
16          events from the Chicago Department of  
17          Transportation that they would not be accepting  
18          2024 applications until the middle of January,  
19          which is also contrary to the code and other  
20          incidents of [inaudible] discrimination in regard  
21          to my client.

22          MR. SPAHR: Judge, all of which is not at  
23          issue here today. It's beyond --

24          ADMINISTRATIVE LAW JUDGE LOMBARDO: Right.

1           MR. SPAHR: -- the scope of today's  
2     hearing.

3           ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll  
4     accept the affidavit. I will not consider it and  
5     I'll give it the weight as far as the  
6     determination for today's issue.

7           MR. MASSOGLIA: Are we going to mark it as  
8     an exhibit?

9           ADMINISTRATIVE LAW JUDGE LOMBARDO: Yeah,  
10    go ahead and mark it Applicant's 2. So it's part  
11    of the record, but it's not really evidence in my  
12    consideration.

13          MR. MASSOGLIA: Thank you, Your Honor.

14          ADMINISTRATIVE LAW JUDGE LOMBARDO: You're  
15    welcome. All right. Thank you.

16          MR. MASSOGLIA: And then just one or two  
17    quick final questions of this witness.

18          ADMINISTRATIVE LAW JUDGE LOMBARDO: Go  
19    ahead, yeah. [Inaudible].

20

21    BY MR. MASSOGLIA:

22          Q.     Kobi, to the best of your knowledge did  
23    the Coalition submit applications for the -- to  
24    the Chicago Police Department for your march on

1 August 19th and August 22nd?

2 MR. SPAHR: Objection. Vague and  
3 relevance.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO: Repeat  
5 it again, please.

6

7 BY MR. MASSOGLIA:

8 Q. To the best of your knowledge, did the  
9 Coalition submit an application to the Chicago  
10 Parks District for your march on August 19th?

11 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll  
12 allow it.

13 A. Yes, we did.

14 Q. And did you submit an application to  
15 the Chicago Park District on August 22nd?

16 A. Yes, we did.

17 Q. And do you know -- when did you submit  
18 those applications to the Chicago Park District?

19 A. Off the top of my head, I don't know  
20 the exact dates, but it was a similar time frame  
21 that we submitted the ones to the CDOT.

22 MR. MASSOGLIA: No further questions for  
23 this witness, Your Honor.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Has

1       somebody got a phone or something going?

2               MR. SPAHR: It sounds like it might be a --

3               ADMINISTRATIVE LAW JUDGE LOMBARDO: Is it  
4       outside?

5               MR. MASSOGLIA: Yeah.

6               ADMINISTRATIVE LAW JUDGE LOMBARDO: Any  
7       cross for this witness?

8               MR. SPAHR: Yes.

9

10                               CROSS EXAMINATION

11       BY MR. SPAHR:

12               Q.     Mr. Guillory.

13               A.     Uh-huh.

14               Q.     The organization submitted an  
15       application that was received by CDOT on January  
16       10, 2024, correct?

17               A.     We submitted it, I think, January 8th.  
18       But yes, that is correct.

19               Q.     Well, they responded with the denial of  
20       that initial application on January 22, 2024,  
21       correct?

22               A.     I know that now but I didn't see it on  
23       the day.

24               Q.     All right. And the organization, then,

1 eight days later applied again, did you not?

2 A. We did, yes.

3 Q. CDOT specifically in the e-mail that  
4 you submitted -- or that Counsel submitted as  
5 Number 1, advised you to change the route in that  
6 e-mail; is that correct?

7 MR. SPAHR: Objection. Foundation  
8 [inaudible].

9 ADMINISTRATIVE LAW JUDGE LOMBARDO:  
10 Overruled. He's just testifying about the change  
11 in the route.

12 THE WITNESS: Yes, we did. They did and we  
13 responded with modified route and we didn't get a  
14 response back.

15

16 BY MR. SPAHR:

17 Q. In fact, she said please submit a  
18 modified route; that's correct?

19 A. Yes, it is correct. And we did that  
20 and we didn't get a response.

21 Q. And then your organization submitted a  
22 second application that was received on January  
23 30, 2024; is that correct?

24 A. That is correct, yes.

1           Q.     And that second application had the  
2     same route as the first application, did it not?

3           A.     Yes, it did.

4           MR. SPAHR:   Nothing further, Judge.

5           ADMINISTRATIVE LAW JUDGE LOMBARDO:  
6     Redirect?

7           MR. MASSOGLIA:   No further questions, Your  
8     Honor.

9           ADMINISTRATIVE LAW JUDGE LOMBARDO:   Do you  
10    intend to recall?

11          MR. MASSOGLIA:   No.   And I think -- I feel  
12    bad for Mr. Gallardo, but we're -- I don't know  
13    that we'll be able to offer anything unless Your  
14    Honor will allow proof in the same manner as  
15    [inaudible] affidavit.

16          The reason for recalling him would be to  
17    ask questions about the appendix to the affidavit  
18    indicating apparently and contrary to law that  
19    the Coalition could not apply for a permit until  
20    the middle of January.

21          ADMINISTRATIVE LAW JUDGE LOMBARDO:   I don't  
22    see how that would be relevant.

23          MR. MASSOGLIA:   I'd like --

24          ADMINISTRATIVE LAW JUDGE LOMBARDO:   If



1       you'd like to recall him, well, I'll him come in.

2               MR. MASSOGLIA: Yeah, we would like to do  
3       that.

4               ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
5       right. Let's have him come in. Sir. No  
6       intention to recall this witness, any of the  
7       parties?

8               MR. SPAHR: No, Judge.

9               MR. MASSOGLIA: Not ours.

10              ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.  
11       You're free to stay or go. Whatever you choose.

12              THE WITNESS: Okay.

13              MR. MASSOGLIA: And after this we have  
14       [inaudible].

15              ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.  
16       Sir, come on and have a seat over here, please.  
17       And talk to that microphone. You're under oath  
18       from your previous testimony, sir, do you realize  
19       that?

20              MR. GALLARDO: Yes.

21              ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

22

23                               DIRECT EXAMINATION

24       BY MR. MASSOGLIA:

1           Q.     Mr. Gallardo, hello again. I promise  
2     we'll get you out of here soon. I just have a  
3     couple of questions about permit applications  
4     submitted in 2023, which then got resubmitted,  
5     same organization, same protest, same date. It  
6     was denied essentially. Do you recall that  
7     application at all?

8           MR. SPAHR: Objection.

9           ADMINISTRATIVE LAW JUDGE LOMBARDO: Are you  
10    referring to this -- which permit are you  
11    referring to or which application?

12          MR. MASSOGLIA: In 2023, and this is  
13    actually -- in 2023 the Coalition submitted an  
14    untimely application for the same thing that they  
15    did for their first application this time.

16          ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

17          MR. MASSOGLIA: And they were told it's too  
18    early, you can't apply till the middle of  
19    January.

20          ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.  
21    So you're referring to an application from  
22    this --

23          MR. MASSOGLIA: [Inaudible] exact same  
24    thing with the same dates.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Do you  
2 understand that? Why don't you restate the  
3 question.

4

5 BY MR. MASSOGLIA:

6 Q. So the first application that was  
7 denied was in January; do you remember that  
8 application from my client?

9 A. Are you referring --

10 MR. SPAHR: Objection. Your Honor  
11 indicated that you are not considering the weight  
12 of this affidavit; therefore, any testimony  
13 regarding this is irrelevant.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,  
15 no. We've already let him have some testimony on  
16 it. You can answer the question.

17 THE WITNESS: Are you referring to the  
18 application submitted on the 10th; on January  
19 10th?

20

21 BY MR. MASSOGLIA:

22 Q. Yes, that's correct.

23 A. Yes, I recall that submittal.

24 Q. And do you have a copy of that

1 application in front of you?

2 MR. SPAHR: The application marked as  
3 City's Exhibit 1?

4 MR. MASSOGLIA: Yeah.

5 THE WITNESS: Okay. I have it in front of  
6 me.

7

8 BY MR. MASSOGLIA:

9 Q. And what's the date on that  
10 application?

11 A. It was taken in on January 10th of this  
12 year.

13 Q. No, what's the date indicated by the  
14 applicant?

15 A. That they put on their application?

16 Q. Yes, that's correct.

17 A. On the top line here where it says  
18 date, it says August 7, 2023.

19 Q. And do you recall receiving [inaudible]  
20 this application in 2023?

21 MR. SPAHR: Objection. Relevance.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll  
23 let him answer it.

24 THE WITNESS: No, I don't recall this

1 specific application that was submitted in  
2 August.

3

4 BY MR. MASSOGLIA:

5 Q. Did you or to your knowledge, anyone  
6 else within CDOT write a letter to the applicant  
7 indicating that they can't reapply until the  
8 middle of January?

9 MR. SPAHR: Objection, Judge. Calls for  
10 hearsay and speculation. And lack of foundation.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO: I mean,  
12 if he knows I think he can answer.

13 THE WITNESS: No, I don't recall.

14

15 BY MR. MASSOGLIA:

16 Q. Is there any rule within the code that  
17 someone cannot apply for a parade permit until  
18 the middle of January?

19 MR. SPAHR: Objection as to relevance and  
20 calls for a legal conclusion on behalf of the  
21 witness.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well, I  
23 mean, he enforces the ordinance so he can  
24 certainly give an opinion on what he does with

1 applications that are filed early in the year.

2 THE WITNESS: So unless the application is  
3 for the month of January, we wouldn't take it in  
4 until the year that they are requesting.

5 So if you are applying for an event in  
6 2024, you couldn't -- if your event is in  
7 January, then we would allow the -- accepting  
8 that application in 2023. Otherwise we would not  
9 accept that application until the first business  
10 day in January of 2024.

11

12 BY MR. MASSOGLIA:

13 Q. Okay. And there's priority given to  
14 earlier applications; is that right?

15 A. Well, it's essentially a first come  
16 first serve basis. So if two applications come  
17 in for the same location on the same day, we  
18 would have to consider the one that was submitted  
19 first.

20 Q. And you said that you don't remember  
21 writing a letter to Ms. Bettino, the Coalition in  
22 2023. Is your memory exhausted as to that topic?

23 A. I don't understand what you mean. I  
24 mean, I don't recall whether or not we did or did

1 not have any contact regarding that.

2 MR. MASSOGLIA: Judge, can I show him a  
3 copy of the note and ask him if that's his  
4 handwriting?

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Again,  
6 what's the purpose?

7 MR. MASSOGLIA: [Inaudible].

8 MR. SPAHR: Judge, we'd renew our  
9 objection.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think  
11 you've made the point that you're making a  
12 constitutional argument.

13 MR. MASSOGLIA: No further questions, Your  
14 Honor.

15 ADMINISTRATIVE LAW JUDGE LOMBARDO: Thank  
16 you. Anything else?

17 MR. MASSOGLIA: Oh, yes, thank you for your  
18 time today.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
20 set? All right, sir. You're excused, you're  
21 free to go.

22 MR. GALLARDO: Okay. All right. Thank  
23 you.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Thank

1       you. Appreciate it. Any other witnesses?

2               MR. MASSOGLIA: Yes, we have one further  
3       witness [inaudible].

4               ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.  
5       You can call the witness.

6               MR. MASSOGLIA: [Inaudible].

7               ADMINISTRATIVE LAW JUDGE LOMBARDO: Good  
8       morning, sir. Just sit in that seat and kind of  
9       pull yourself up to that microphone. Just direct  
10      your voice to that. You don't really need to  
11      yell or anything. Just kind of keep your voice  
12      raised, okay?

13              MR. IOSBAKER: I'll try.

14              ADMINISTRATIVE LAW JUDGE LOMBARDO: And  
15      what is your name?

16              MR. IOSBAKER: Joe Iosbaker.

17              ADMINISTRATIVE LAW JUDGE LOMBARDO: And  
18      spell your last name.

19              MR. IOSBAKER: I-O-S-B-A-K-E-R.

20              ADMINISTRATIVE LAW JUDGE LOMBARDO: Raise  
21      your hand for me. Do you swear or affirm  
22      testimony you're about to give will be the truth,  
23      the whole truth, and nothing but the truth?

24              MR. IOSBAKER: I do.



1 ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
2 right. Counsel, you can proceed.

3

4 DIRECT EXAMINATION

5

6 BY MS. SPREADBURY:

7 Q. Good morning, Mr. Iosbaker. Are you a  
8 member of the Chicago Alliance Against Racist &  
9 Political Repression?

10 A. I am.

11 Q. I'm going to refer to this Chicago  
12 Alliance Against Racist & Political Repression as  
13 the Alliance; is that okay?

14 A. Yes, that's fine.

15 Q. What is the Alliance?

16 A. It's an organization that has been  
17 around since 1973. Originally created to fight  
18 for freedom for political prisoners like Angela  
19 Davis. Angela Davis actually was one of the  
20 founders.

21 And over its 50 years it has mostly focused  
22 on organizing against racist policing and you  
23 know, to free not only political prisoners, but  
24 all the wrongfully convicted.

1           Q.     And how long have you been a member of  
2     the Alliance?

3           A.     This is my tenth year.

4           Q.     And how does the Alliance relate to the  
5     Coalition to March on the DNC [inaudible]?

6           A.     So the Alliance is the local group that  
7     initiated the first meeting of this Coalition.

8           Q.     And are you a part of the  
9     decision-making team for the Coalition?

10          A.     Yes. We have Coalition meetings where,  
11     you know, we -- yeah, all the Coalition partners.  
12     I'm part of the Coalition meetings.

13          Q.     And did the Coalition intend to only  
14     march on the DNC for one day?

15          A.     No.

16          Q.     Why did the Coalition want to march on  
17     the DNC on multiple days?

18          A.     So there are two reasons. One is  
19     that -- initially we'd only thought about  
20     marching on one day. But as the genocide in Gaza  
21     unfolded in October and November --

22                 MR. SPAHR: Objection, Your Honor.

23     Nonresponsive.

24                 ADMINISTRATIVE LAW JUDGE LOMBARDO: Let's

1       just keep the answers to the point of the  
2       question, please.

3               THE WITNESS:   So we decided to march on a  
4       second day.

5

6   BY MS. SPREADBURY:

7               Q.       And has the Coalition applied for  
8       parade permits to march on the DNC 2024?

9               A.       Yes.

10              Q.       And are you aware of any parade permits  
11       being denied?

12              A.       Yes.

13              Q.       Do you know why the August 22nd  
14       application was denied?

15              MR. SPAHR:  Objection.  Misstates evidence.  
16       And relevance, Judge.

17              MS. SPREADBURY:  It goes to why -- this  
18       goes directly to --

19              ADMINISTRATIVE LAW JUDGE LOMBARDO:  I don't  
20       think there's any evidence that an August 22nd  
21       permit has been denied.

22

23   BY MS. SPREADBURY:

24              Q.       Did the Coalition receive a letter

1       regarding their August 22, 2024 application?

2           A.     Yes.

3           Q.     And what did that letter say?

4           A.     It denied us a permit.

5           Q.     And why did it say it denied the  
6       permit?

7           A.     Because of some language regarding the  
8       request being duplicitous.

9           Q.     And do you know what means?

10          A.     Not really, no.

11          Q.     Did the Coalition intend for these  
12       applications to be duplicitous?

13               MR. SPAHR:  Objection.  Calls for  
14       speculation,

15               MS. SPREADSBURY:  I'll rephrase.

16

17       BY MS. SPREADSBURY:

18           Q.     Did the Coalition intend for these --  
19       for the application to be a repeat of the first  
20       because you only wanted to march [inaudible]?

21               MR. SPAHR:  Objection.  Leading.

22               ADMINISTRATIVE LAW JUDGE LOMBARDO:

23       Sustained.

24

1 BY MS. SPREADBURY:

2 Q. Did the Coalition intend to also march  
3 on August 22nd?

4 A. Yes.

5 Q. So when you applied for the August 22nd  
6 march, were you repeating the August 19th march?

7 MR. SPAHR: Objection. Leading.

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: Answer  
9 the question.

10 THE WITNESS: We were not repeating the  
11 August 19th march.

12

13 BY MS. SPREADBURY:

14 Q. Mr. Iosbaker, do you have experience  
15 planning large demonstrations in Chicago?

16 A. I do.

17 Q. Can you elaborate on your experience?

18 A. So I have been a peace activist and a  
19 trade unionist and now a member of the Alliance  
20 since I was 18 years old. I've been involved in  
21 large demonstrations, including the march against  
22 NATO when they were here in 2012.

23 Q. Did you help organize any large  
24 demonstrations in the past?

1 MR. SPAHR: Objection. Relevance, Judge.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll  
3 allow it.

4 THE WITNESS: Yes, I've helped organize  
5 quite a few.

6

7 BY MS. SPREADBURY:

8 Q. What are some of those examples?

9 A. One of the ones that's best known is I  
10 was the advisor to the student organization at  
11 the University of Illinois at Chicago that  
12 marched against Donald Trump when he tried to  
13 speak on our campus in March of 2016.

14 Q. And do you have any other experience of  
15 organizing large protests that had parade  
16 applications?

17 A. Yes. The march against NATO we had a  
18 parade application and also the Chicago Alliance  
19 had a parade application for a march we did in  
20 2015.

21 Q. And what are some of the things that  
22 you, in your organizing experience, implement to  
23 help keep parades safe?

24 MR. SPAHR: Objection. Relevance.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Ma'am,  
2 where are you going with this stuff, Counselor?

3 UNIDENTIFIED ATTORNEY: Just to show that  
4 he has a history and experience of organizing  
5 parade apl -- of organizing in Chicago.

6 MR. SPAHR: Judge, it's beyond the scope of  
7 today's hearing, though. The only thing at issue  
8 is the duplicative nature. None of this is  
9 relevant.

10 MR. MASSOGLIA: I'd like to object to  
11 Counsel's laughter in the background.

12 ADMINISTRATIVE LAW JUDGE LOMBARDO: You  
13 have to what?

14 MR. MASSOGLIA: I said I'd like to object  
15 to Counsel's laughing in the background of my --

16 ADMINISTRATIVE LAW JUDGE LOMBARDO: Oh, I'm  
17 sorry. I didn't hear any laughing. Audience,  
18 please keep comments and laughter to yourselves.  
19 All right?

20 As far as the objection. I don't think  
21 it's relevant. I was giving you some leeway to  
22 see where you're going with this. I mean, it  
23 doesn't seem like you're going anywhere to the  
24 point, all right? So I think he got enough

1 testimony to show that he does have some  
2 experience --

3 UNIDENTIFIED ATTORNEY: Okay. I'll move  
4 on.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: --  
6 forming parades and so forth. But yeah, move on,  
7 please.

8 UNIDENTIFIED ATTORNEY: Okay. Thank you,  
9 Your Honor.

10

11 BY MS. SPREADBURY:

12 Q. Why -- do you think it's -- why did the  
13 Coalition apply to get a parade permit?

14 A. Because we're determined that this  
15 mobilization would be family friendly.

16 Q. What do you mean by family friendly?

17 A. Literally, that families can bring  
18 little kids in strollers and other communities  
19 that are concerned about safety, you know. We  
20 have -- in our Coalition, we have an organization  
21 of undocumented immigrants. In our Coalition, we  
22 have people who are recently released from  
23 prison.

24 And so we're -- we have a number of



1       constituent groups -- constituent groups that are  
2       very concerned that they be safe in the protest.

3           Q.       Changing gears just a little bit, are  
4       you aware of any alternate routes --

5           MS. SPREADBURY:   Can I confer with counsel  
6       for just one second?

7           ADMINISTRATIVE LAW JUDGE LOMBARDO:   Sure.

8

9       BY MS. SPREADBURY:

10          Q.       Just a few more questions.

11       Mr. Iosbaker, do you know of any groups planning  
12       on protesting the DNC whose application got  
13       approved?

14          MR. SPAHR:   Objection.

15          ADMINISTRATIVE LAW JUDGE LOMBARDO:  
16       Sustained.

17          UNIDENTIFIED ATTORNEY:   No further  
18       questions --

19          MR. MASSOGLIA:   Your Honor, we have sort of  
20       two other questions in terms of how conclude our  
21       presentation.   The first would be, we'd like to  
22       get into the record evidence that the Chicago  
23       Police Department called another applicant and  
24       did not call our client.

1           And the reason we would like to -- we have  
2           two routes for doing that. We have the  
3           transcript from another parade hearing, which we  
4           could -- it's certified, we could -- if you could  
5           take notice of it.

6           Or we could call Mr. Thayer, Indie Thayer,  
7           who is right there, who was actually present and  
8           the applicant in that incidence on behalf of his  
9           organization.

10           ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.  
11           Well, let's do --

12           MR. MASSOGLIA: I don't want to belabor  
13           things --

14           ADMINISTRATIVE LAW JUDGE LOMBARDO: Let's  
15           do this. Let's get the cross done on this  
16           witness --

17           MR. MASSOGLIA: Excellent point, Judge.

18           ADMINISTRATIVE LAW JUDGE LOMBARDO: Thank  
19           you. Any cross for this witness?

20           MR. SPAHR: No cross based on that, Judge.

21           ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
22           right. Okay, now, what is it that you're trying  
23           to do?

24           MR. MASSOGLIA: We'd like to either

1       introduce the transcript into the record or call  
2       a witness who can speak to one precise and  
3       specific issue about whether or not CPD  
4       communicated with other applicants in a way that  
5       they not with our client.

6               ADMINISTRATIVE LAW JUDGE LOMBARDO: Denied.  
7       I don't think it's relevant here. You have your  
8       standing objection -- or you have your response  
9       to the standing objections to your previous  
10      attempts to get that information in. So you can  
11      do that what you may on the record, okay?

12             MR. MASSOGLIA: Okay.

13             ADMINISTRATIVE LAW JUDGE LOMBARDO: You can  
14      file on appeal. All right. Anything else for  
15      this witness?

16             UNIDENTIFIED ATTORNEY: No, Your Honor.

17             ADMINISTRATIVE LAW JUDGE LOMBARDO: You're  
18      excused, sir. You can either leave or you're  
19      free to stay. Anything else?

20             MR. MASSOGLIA: We rest, Your Honor.

21             ADMINISTRATIVE LAW JUDGE LOMBARDO:  
22      Closing?

23             MR. SPAHR: If we could just have a moment.

24             ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

1           MR. DIONNE: Can we take a couple moments,  
2       Judge, before we do closing.

3           ADMINISTRATIVE LAW JUDGE LOMBARDO:  
4       Absolutely. Take a recess?

5           MR. SPAHR: Yes.

6           ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
7       right. How about ten minutes. Whatever you guys  
8       want.

9           MR. SPAHR: Sounds good.

10          ADMINISTRATIVE LAW JUDGE LOMBARDO: How  
11       about this. We'll return at 11:00 a.m.

12          MR. SPAHR: Okay. Thank you.

13

14                       (A SHORT RECESS WAS TAKEN.)

15

16          ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

17       Reconvening for March on the DNC 2024, Docket  
18       24PA000003. We had taken a short break. Seems that  
19       all the testimony is completed, both the parties have  
20       rested and we're into closing arguments, correct.

21          MR. SPAHR: Yes.

22          MR. MASSOGLIA: Yes, Your Honor.

23          ADMINISTRATIVE LAW JUDGE LOMBARDO: City,  
24       closing argument?

1                   MR. MASSOGLIA: Yes, Judge. In closing,  
2     the City argues that none of the testimony relayed  
3     from the Petitioner in this matter is relevant as to  
4     the Department of Transportation's consideration of  
5     the permit applications.

6                   Assistant Commissioner Bryan Gallardo  
7     testified today as to the two applications and his  
8     review of the process. When reviewing the  
9     applications side-by-side, the first application  
10    marked as City's Exhibit 1 was received by CDOT on  
11    January 10, 2024. City's Exhibit 3 is a permit  
12    application submitted by the Petitioner on January  
13    30, 2024.

14                  Reviewing these line by line and pursuant  
15    to Bryan Gallardo's obligations under the ordinance,  
16    looking at the black letter and the words of the  
17    application, they are identical. They are submitted  
18    by the same sponsoring organization, Chicago Alliance  
19    Against Racist & Political Repression. Submitted by  
20    the same parade organizer. Submitted with the same  
21    exact parade route and the same number of estimated  
22    participants.

23                  Bryan Gallardo even went on to testify as  
24    to his opinion and understanding of what is

1 considered a unit when considering these applications  
2 and on Page 2 of Exhibit 1 and Exhibit 3, the  
3 Petitioner indicates the same amount of units.

4 When reviewing the ordinance at its plain  
5 language, it is clear that no person or organization  
6 may submit more than one application for a parade  
7 substantially similar in theme or units. Here we  
8 have the exact same units and the same organization  
9 submitting their request.

10 As to (d)(3) where a person or  
11 organization submits multiple applications for the  
12 same parade date or a parade substantially similar in  
13 units or theme described or requesting an alternate  
14 date or route, whether by using one name or multiple  
15 names, that person or organization shall not be  
16 eligible for such a permit and shall be in violation  
17 of the ordinance.

18 The facts are clear here that the two  
19 applications are submitted by the same organization  
20 with just an alternate date.

21 The commissioner is authorized, pursuant  
22 to (d)(4), to disregard the application that is a  
23 basis of the -- submitted in violation of the  
24 ordinance.

1           The City would ask that this court affirm  
2   the denial sent by the Department of Transportation  
3   on February 1, 2024, in regard to the application  
4   submitted by the Petitioner on January 30th.

5           ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
6   right. Thank you. Applicant, final comments?

7           MR. MASSOGLIA: Thank you, Your Honor. I  
8   believe we have a post-hearing motion to discuss  
9   afterwards, but I'll give my close first. I thank  
10   the Court for its patience with us presenting our  
11   case, which is about something really important.

12           It's about an organization of people who  
13   want to change the world for the better, who since  
14   2023 have been planning for multiple parades at the  
15   2024 Democratic National Convention.

16           They applied [inaudible]. They were told  
17   incorrect law by Chicago Department of  
18   Transportation. They saved the application and  
19   applied again in January. Their application is  
20   rejected on similar grounds as other applications  
21   have been rejected for marches on the DNC. And they  
22   submit another one.

23           They hadn't realized that their first  
24   application was rejected at the time period they sent

1 the second application, and eventually it's denied as  
2 duplicative.

3           You know, they didn't know, but they know  
4 now, that they can be fined or imprisoned for  
5 submitting duplicative applications. That is  
6 offensive to the Constitution when my clients just  
7 want to spread a hopeful message in a time when the  
8 world is full of misery.

9           They want people from all ages, abilities,  
10 walks of life to be together in a place where they  
11 can feel safe and actually be safe expressing their  
12 rights most cherished in this country under the First  
13 Amendment.

14           So the marches, themselves, are inherently  
15 different. They are on different dates, they have  
16 different purposes, they are at different postures of  
17 the Democratic National Convention.

18           And so what we're left with is we're left  
19 with a vague statute as to the Subsection (d), which  
20 is addressing duplicative. It is completely  
21 impossible to understand how a person, an applicant,  
22 somebody who is organizing and carrying a day job,  
23 could possibly make sense of that when they're -- it  
24 was pretty difficult to even make and understand --



1 pretty difficult to make an understanding from the  
2 testimony that you've heard today.

3 The statute is -- seems to be quite overly  
4 restrictive in terms of the time, place, and manner.  
5 If read to its absurd conclusion you can never have  
6 two parades on the same topic around the same event,  
7 even if they have different purposes. You get sort  
8 of one parade and you're done. And if you apply --  
9 you can't apply again or maybe you get imprisoned,  
10 that can't be right.

11 And I understand that this Court isn't  
12 ruling on the constitutional questions, and I  
13 appreciate being allowed to make this record. But  
14 what I think is --

15 The final constitutional point I'd like to  
16 make is that the statute was unevenly applied based  
17 on the viewpoint of the applicants. There's no call  
18 from Chicago Police Department, there was no followup  
19 from Ms. Pollack at Chicago Department of  
20 Transportation after my clients proposed an alternate  
21 route.

22 And so what they're left with is this  
23 scenario where, you know, they submitted a similar  
24 application for a different event. It's been denied

1 as duplicative and now the Court is -- this Court  
2 here is going to rule on whether or not that denial  
3 was proper.

4 I think the most important thing, one of  
5 the most important things for the Court to consider  
6 in making that analysis is whether or not the statute  
7 was violated on its face by Mr. Gallardo's failure to  
8 consult with the Chicago Police Department about the  
9 second application.

10 Subsection (f) clearly indicates that they  
11 shall consult and shall provide copies of  
12 documentation when there is a permit application.  
13 [Inaudible] qualifier is shall consult. I can  
14 actually read the direct language in.

15 Yeah, "The commissioner shall investigate  
16 the facts set out in the application, in consultation  
17 with the police department, which shall be sent  
18 copies of the application immediately upon receipt."  
19 That's mandatory. And none of this had happened.

20 There's testimony that didn't happened.  
21 That is enough to render this appeal, this decision  
22 annuled and that the Court can rule on that ground  
23 alone, that this appeal isn't proper. And give my  
24 clients a chance to spread their message [inaudible].

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.  
2 Thank you. Appreciate it. You said there was some  
3 post-trial motions?

4 MR. MASSOGLIA: Oh, yes. We're --  
5 frankly, I don't have the record. Counsel, in his  
6 closing argument, sort of got -- went into the units  
7 question and I believe you had indicated the door  
8 was -- I believe that you had indicated was not  
9 relevant or outside of the scope or something --

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: Yeah,  
11 I don't remember hearing about it in the direct  
12 examination is what I had said. Maybe I was wrong,  
13 but I didn't remember hearing that.

14 MR. MASSOGLIA: So we would -- I guess,  
15 then, really what we would like is to unfortunately  
16 burden Mr. Gallardo again ask him more questions  
17 about what units means and whether parades are  
18 similar or not.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO: I  
20 don't think it's necessary.

21 MR. MASSOGLIA: Thank you.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: I  
23 think the record is complete.

24 MR. MASSOGLIA: Thank you, Your Honor.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: All  
2 right. Anything else?

3 MR. MASSOGLIA: No, Judge.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.  
5 Under the ordinance I have 48 hours to render my  
6 decision. I'll reduce it to writing and send copies  
7 to both parties.

8 MR. MASSOGLIA: Thank you, Judge.

9 MR. SPAHR: Thank you, Judge.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: Thank  
11 you. Appreciate it. And everybody in the audience,  
12 I appreciate your appearance. You were all very good  
13 as far as keeping the noise down and not disrupting  
14 the process. So I appreciate that. Thank you.

15

16 (END OF PROCEEDING)

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1           I, Susan Bonomo, do hereby certify or affirm  
2   that I have impartially transcribed the foregoing  
3   from an audiotape record of the above-captioned  
4   proceedings to the best of my ability.

5  
6           *Susan Bonomo*

7           Susan Bonomo  
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